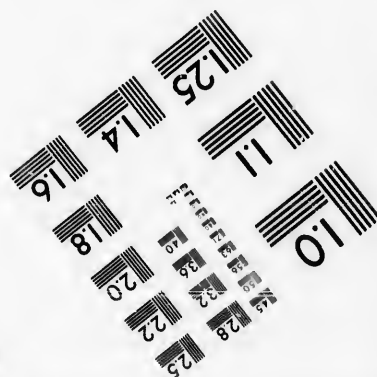
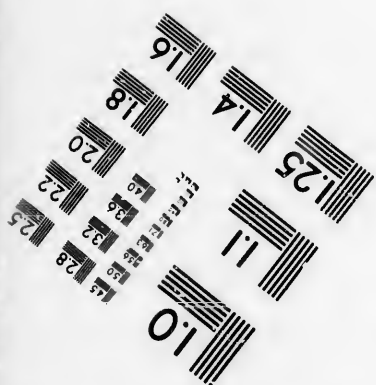
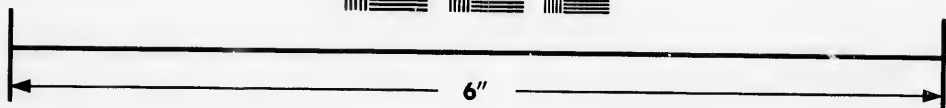
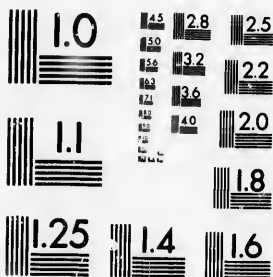


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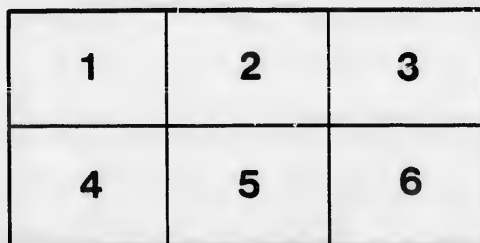
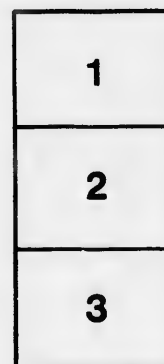
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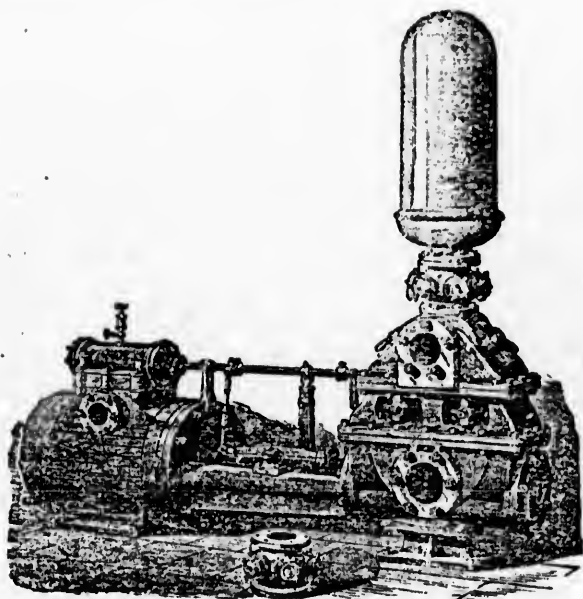
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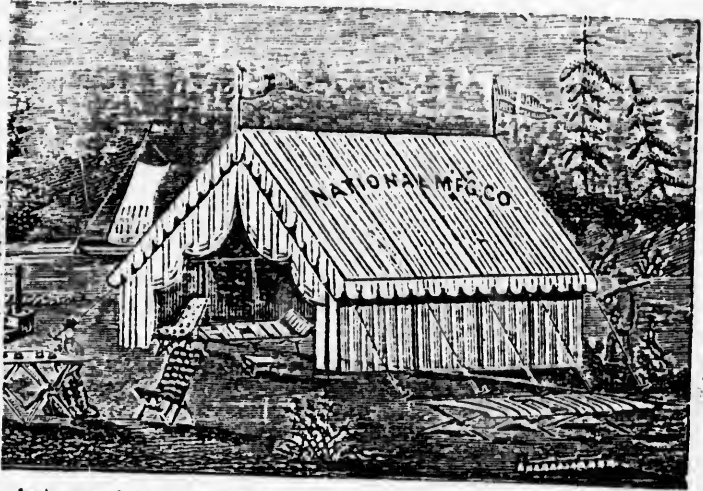
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## NOTES FOR LOCATEES, SETTLERS, LUMBERMEN, &c.

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### Public Lands and Free Grants Acts.

1. By the "Free Grants and Homesteads Act," Chapter 25 of the Revised Statutes of Ontario (a copy of which will be found at Page —), Public Lands which have been surveyed, and are considered suitable for settlement and cultivation, and not valuable chiefly for minerals or pine timber, may be appropriated as Free Grants; but such appropriations are to be confined to lands within the Districts of Algoma and Nipissing, and that tract or territory lying between the Ottawa River and the Georgian Bay, and comprising the northerly portions of the Counties of Renfrew, Frontenac, Addington, Hastings, Peterborough, Victoria and Simcoe, and the Districts of Muskoka and Parry Sound.

2. To obtain a Free Grant, the applicant must make application to the local Crown Land agent, in whose agency the land desired is situated, and deposit with him the necessary affidavits. Although no fees are charged by the Department, or allowed to the land agents for locating, yet if required to prepare the necessary affidavits, the agent may make a reasonable charge for so doing.

3. Two hundred acres is the limit of the Act, therefore no individual can obtain more than that quantity as a Free Grant, and if the land selected exceeds the 200 acres, the applicant must pay for the overplus at the price fixed by the Regulations. *A single man over eighteen years of age, or a married man without children under eighteen residing with him, is entitled to a grant of 100 acres.* But in case it shall be shown by satisfactory evidence that a considerable proportion of the land, selected by an applicant who comes under either of these headings, cannot be made available for farming purposes on account of rock, swamp or lake, the Commissioner of Crown Lands may make an allowance for such waste land, and may increase the quantity of land located to such applicant to any number of acres not exceeding in the whole 200 acres. *The male head of a family, or the sole female head of a family, having a child or children under eighteen years of age residing with him or her, may be located for 200 acres as a Free Grant; and may also purchase an additional 100 acres at the rate of fifty cents per acre, cash.*

In certain townships, however, situated in the Districts of Algoma and Thunder Bay, and which are subdivided into sections and quarter sections, or into lots containing 160 or 320 acres each, the locatee, whether he be a single man over eighteen, or the head of a family with children, is entitled to 160 acres only; that is, a full quarter section or a half lot, as the case may be; and he may purchase an additional 160 acres at the rate of fifty cents per acre, cash.



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Upon receipt of the necessary affidavits, the agent will, if the land selected be open for location, and there be no adverse claim thereto, enter the locatee for it on the records of his office, and at the end of the current month he will return the location to the Department of Crown Lands.

In case a party has settled on Government land before the township has been surveyed, or appropriated under the Free Grants Act, he should, immediately after is opened for location; apply to the local agent and get located, as he will have no recognized title, and his occupation of the land will not count until this action has been taken.

4. Upon completion of his location, the locatee may enter upon and occupy his land, and may commence his improvements; and the Regulations require him to do so within one month.

5. The locatee will not be entitled to his patent until the expiration of five years from the date of location, and he must then make proof that the settlement duties have been fully completed. The settlement duties required on each location are as follows, viz.:—

(1) *To have at least fifteen acres cleared and had under cultivation, of which two acres at least are to be cleared and cultivated annually during the five years.*

(2) *To have built a habitable house, at least 16 by 20 feet in size.*

(3) *And to have actually and continuously resided upon and cultivated the land for five years after location.*

A locatee is not bound to remain on the land all the time during the five years; but may be absent on business or at work for, in all, not more than six months in any one year. He must, however, make it his home, and clear and cultivate the quantity of land required (two acres at least) each year.

Where a locatee holds two lots (200 acres) he may make the requisite improvements on either one or both, as he finds it most convenient.

A locatee who purchases an additional 100 acres under the Regulations must, within five years from the date of sale, clear fifteen acres thereon, and cultivate the same, before he will be entitled to the patent; but he is not required to build a house or reside on the purchased lot, where he holds it in connection with a Free Grant.

The proof of the performance of the settlement duties must be: the affidavit of the locatee himself, supported by the testimony of at least two disinterested parties, which affidavits are to be filed with the local agent—who, if satisfied as to the correctness of the statements contained therein, recommends the issue of the patent, and transmits the application to the Department.

6. In case a locatee has, after the issue of his patent, absolutely and in good faith parted with the land patented to him as a Free Grant, he may take up another location by applying to the local agent, and making affidavit setting out the facts.

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7. In case the locatee fails to perform the settlement duties required by law, his location is liable to forfeiture, and may be cancelled by the Commissioner of Crown Lands. Applications for cancellation must be made through the local agent, and be supported by the affidavits of the applicant and at least two credible witnesses, who will show what the present position of the lot is: whether the locatee ever occupied or improved, and, if so, to what extent, and the value of the improvements; when he ceased to occupy; and his address, if known. Upon the receipt of this evidence the agent will, if he can ascertain the address of the locatee, notify him of the application, and call upon him to disprove the allegations, or show cause why his location should not be cancelled within thirty days. At the expiration of that time the agent will transmit the evidence, with anything he may have received from the locatee in reply, and his own report to the Department.

8. The assignment or mortgage of a homestead from a locatee to another party before the issue of his patent is invalid, and cannot be recognized by the Department. This does not, however, apply to the devise of a Free Grant lot by will, nor to transfers of land by a locatee for church, cemetery or school purposes, or the right of way of railroads.

9. All pine trees and minerals on land located or sold under the Free Grants Act are reserved from the location or sale, and are the property of the Crown; and the Commissioner of Crown Lands may at any time issue a license to cut the pine on such land. The locatee may, however, cut and use such pine trees as he requires for building and fencing on his land, and also for firewood, and may also cut and dispose of any pine trees he meets within the actual process of clearing his land for cultivation; but any trees so disposed of are subject to the payment of the same dues as are payable by license-holders, *i. e.* \$1.00 per 1,000 feet, board measure. If a locatee has not timber upon his lot for buildings &c., he cannot take from adjoining lot.

Holders of timber licenses have the right to haul their timber over the uncleared portion of any land located or sold, and to make such roads as may be necessary for the purpose, and to use all slides, portages and roads, and to have free access to all streams and lakes.

10. The Crown reserves the right to construct on any land located or sold, any Colonization Road, or deviation from the Government allowance for road; and to take from such land, without compensation, any timber, gravel or material required for the construction or improvement of any such road.

11. Any conveyance, mortgage or alienation (except a will) of the land located, by a locatee after the issue of patent, and within twenty years from location, will be invalid unless it be by deed in which his wife is one of the grantors, and unless it be duly executed by her.

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heirs, shall be exempt from liability for debt during twenty years from the date of location. This exemption does not, however, extend to a sale for taxes legally imposed.

13. When a Free Grant locatee dies before the completion of his title, his representatives may continue the settlement duties and obtain a patent at the proper time upon filing the requisite proof. If he dies before the 1st July, 1886, intestate, evidence is required of the date of death and that he died intestate, giving the name of his widow, and the number and names of all his children, and if he left no wife or children, the name of his heir must be given; if he made a will, it must be sent in with proper proof of due execution according to law. If he died after the 1st July, 1886, probate or letters of administration to the real and personal estate, as the case may be, must be sent.

Where a locatee dies, whether before or after issue of patent, leaving a widow, she is entitled to the land during her widowhood in lieu of dower, unless she prefers to take her dower instead.

14. In making application for land, and in filing proof in support of applications for cancellation of a location, or for issue of patent, the applicant will save time and unnecessary trouble by filing his papers with, or mailing them to, the Crown Land Agent in whose agency the land is situated, as on account of the agent's local knowledge of the lands he has to deal with, the Department requires that his certificate be attached to all such applications.

15. Lands located or sold under the Free Grants and Homesteads Act, or the regulations made thereunder, are liable to taxation from the date of such location or sale, and where taxes assessed on such land are in arrears for three years, the interest of the locatee or purchaser may be sold in the manner prescribed by law. When the tax-purchaser receives his deed, unless legal proceedings be taken to question it by some person interested within two years from the date of sale, he acquires the right and interest of the locatee or purchaser, and may obtain a patent on completion of the original conditions of location or sale.

16. In order to have his claim recognized, a tax-purchaser should file his deed in the Department, and two years after the date of the sale for taxes, should file evidence showing that no action has been taken to question his title, that there is no adverse claim on the ground of occupation or improvements, and that all arrears of taxes have been paid since he purchased. (See Revised Statutes (1887), Cap. 193, sections 159, 160 and 171, and Cap. 24, section 18.) And in order to obtain a patent for the land, as a free grant, the tax-purchaser must also show that he has performed the settlement duties required by the Free Grants and Homesteads Act, and that he has not already received the benefit of the said Act, or if he has received a grant of all the land which it allows him, that he has *bona fide* and absolutely parted with the same.

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## THE PUBLIC LANDS ACT.

1. This Act may be cited as "*The Public Lands Act*," R.S.O. 1877, c. 23, s. 1.

2. In the construction of this Act the term "Public Lands" shall be held to apply to lands heretofore designated or known as Crown Lands, School Lands, or Clergy Lands, which designations, for the purposes of administration, shall still continue. R.S.O. 1877, c. 23, s. 2.

### CROWN LANDS DEPARTMENT.

3. There shall continue to be a Department for the management and sale of the Public Lands and Forests, to be called "The Department of Crown Lands;" and the same shall be presided over by "The Commissioner of Crown Lands" for the time being. R.S.O. 1877, c. 23, s. 3.

4. There shall continue to be an "Assistant Commissioner of Crown Lands," who shall be appointed from time to time as a vacancy occurs, by the Lieutenant-Governor in Council, and shall perform such duties in the Department as may be assigned to him by the Lieutenant-Governor in Council, or the Commissioner of Crown Lands, and shall preside over the Department and discharge therein the duties of the Commissioner of Crown Lands in the absence of that officer, or in the case of a vacancy in the office of Commissioner, and shall, before entering on the duties of his office, take an oath faithfully to discharge the same, which oath shall be administered by the Commissioner of Crown Lands, or any person appointed by the Lieutenant-Governor for that purpose. R.S.O. 1877, c. 23, s. 4.

5. The Department and office of the Surveyor-General of this Province shall continue to be consolidated with the Department and office of the Commissioner of Crown Lands, under the superintendence and management of the last named officer. R.S.O. 1877, c. 23, s. 5.

6. All the powers and duties which, before the seventeenth day of March, 1845, were assigned to or vested in the Surveyor-General, shall be vested in the Commissioner of Crown Lands; and the said powers and duties shall be exercised and performed by him, or by any assistants or clerks in his Department or office, or by any person whom he by an instrument in writing under his hand, authorizes to that effect, and under such name or designation of office as he may fix, as effectually as they might before the said day have been exercised or performed by the Surveyor-General. R.S.O. 1877, c. 23, s. 6.



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7. The Lieutenant-Governor may from time to time appoint officers and agents to carry out this Act and Orders in Council under it, which officers and agents shall be paid in such manner and at such rates as the Lieutenant-Governor in Council may direct. R.S.O. 1877, c. 23, s. 7.

8. The Lieutenant-Governor in Council shall require from the Commissioner of Crown Lands and from the Assistant-Commissioner, and from every agent appointed under him, security for the due performance of his duty. R.S.O. 1877, c. 23, s. 8.

9. No County or resident agent for the sale of Public Lands shall, within his division, directly or indirectly, unless under an order from the Lieutenant-Governor in Council purchase any land which he is appointed to sell, or become proprietor of or interested in any such land, during the time of his agency, and any such purchase or interest shall be void; and if an agent offends in the premises, he shall forfeit his office and the sum of \$400 for every offence, to be recovered in an action by any person who may sue for the same. R.S.O. 1877, c. 23, s. 9.

10. The Commissioner of Crown Lands shall annually lay before the Legislative Assembly, and within ten days after the meeting thereof, a report of the proceedings, transactions, and affairs of the Department during the year then next preceding. R.S.O. 1877, c. 23, s. 10.

11. The Lieutenant Governor in Council may, from time to time, make such orders as are necessary to carry out the provisions of this Act according to their obvious intent, or to meet cases which may arise and for which no provision is made by this Act; and the orders shall be published in the *Ontario Gazette*, and in such newspapers as the Commissioner of Crown Lands may direct, and shall be laid before the Legislative Assembly within the first ten days of the session next after the date thereof; but no order shall be inconsistent with this Act, save that the powers herein given to the Commissioner of Crown Lands may be exercised by the Lieutenant-Governor in Council, and shall be subject to any Order in Council regulating or affecting the same from time to time. R.S.O. 1877, c. 23, s. 11.

12. Any claim to land arising under any Act, or under any Order in Council, or other regulation of the Government in force before the 23rd day of April, 1860, shall be determined by the Commissioner of Crown Lands, subject to such arrangement and order in respect to improvements on particular lands as the Commissioner may think just; or the same may be satisfied by issuing, to the party entitled, land scrip, or certificate entitling him to purchase land to such an amount as the Commissioner of Crown Lands may find just; but no claim for land arising from Militia, United Empire Loyalist, or Military Rights, shall be entertained unless the same was actually located or admitted, or proof in support thereof, sufficient in the opinion of the Commissioner of Crown Lands.

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furnished before the passing, on the 14th June, 1853, of the Act 16th Victoria, chapter 159. R. S. O. 1877, c. 23, s. 12.

GRANTS, SALES AND LICENSES OF OCCUPATION AND ASSIGNMENT THEREOF.

13. The Lieutenant-Governor in Council may set apart and appropriate such of the Crown Lands as he may deem expedient for the sites of Wharves or Piers, Market Places, Gaols, Court Houses, Public Parks or Gardens, Town Halls, Schools, Hospitals, Places of Public Worship, Burying Grounds, Schools, and for purposes of Agricultural Exhibitions, and for other like public purposes, and for Model or Industrial Farms; and at any time before the issue of letters patent therefor, may revoke such appropriation as seems expedient; and may make free grants for the purposes aforesaid, and the trust and uses to which they are to be subject shall be expressed in the letters patent; but no grant shall be for more than ten acres in any one instance, and for any one of the purposes aforesaid, except for a Model or Industrial Farm, which shall not exceed one hundred acres. R. S. O. 1877, c. 23, s. 13.

14. The Lieutenant-Governor in Council may, from time to time, fix the price per acre of the public lands, and the terms and conditions of sale and of settlement and payment. R. S. O. 1877, c. 23, s. 14.

15. The Commissioner of Crown Lands may issue, under his hand and seal, to any person who has purchased or may purchase, or is permitted to occupy, or has been entrusted with the care or protection of any Public Land, or who has received or been located on any Public Land as a free grant, an instrument in the form of a license of occupation; and such person or the assignee, by an instrument registered under this or any former Act, providing for registration in such cases, may take possession of and occupy the land therein comprised, subject to the conditions of the license, and may thereunder, unless the same has been revoked or cancelled, maintain actions against any wrongdoer or trespasser, as effectually as he could do under a patent from the Crown;— and the license of occupation shall be *prima facie* evidence for the purpose of possession by such person, or the assignee under an instrument registered as aforesaid, in such action, but the same shall have no force against a license to cut timber existing at the time of granting thereof. R. S. O. 1877, c. 23, s. 15.

16. Every license of occupation granted prior to the 23rd day of April, 1860, and every certificate of sale or receipt for money received on the sale of Public Lands, and every location ticket theretofore granted or made by the Commissioner of Crown Lands or any agent of his, so long as the sale or grant to which the license of occupation, receipt, certificate, or location ticket relates is in force, and not rescinded, shall have the same force, and shall enure to the benefit of the party to whom the same was granted, or to the assignee, by instrument registered as aforesaid, in the same manner and to the

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same extent as the instrument in the form of a license of occupation mentioned in the next preceding section. R. S. O. 1877, c. 23, s. 16.

17.—(1) The Commissioner of Crown Lands shall keep a book for registering (at the option of the parties interested) the particulars of any assignment made as well by the original nominee, purchaser, locatee or lessee of Public Lands, or his heir or legal representative, as by any subsequent assignee of any such Public Lands or the heir or legal representative of such assignee and upon the assignment being produced to the Commissioner, with an affidavit of due execution thereof, and of the time and place of such execution, and the names, residences and occupations of every witness thereto, the Commissioner shall cause the material parts of every such assignment to be registered in the book of registry, and shall cause to be endorsed on every such assignment a certificate of registration, to be signed by himself or by the Assistant Commissioner, or by any officer of the Department by him authorized to sign such certificates.

(2) Every assignment so registered shall be valid against one previously executed and unregistered, or subsequently registered; but all assignments to be registered must be unconditional, and all the conditions of the sale, grant or location must have been complied with, or dispensed with by the Commissioner of Crown Lands, before registration is made.

(3) If a subscribing witness to an assignment is deceased, or has left the Province, the Commissioner may register the assignment upon the production of an affidavit proving the death or absence of the witness and his handwriting, or the handwriting of the party making the assignment. R. S. O. 1877, c. 23, s. 17.

18. Where the proper officer or officers having, by law, the power or authority to make or execute deeds on sales of lands for taxes have heretofore made or executed, or hereafter make or execute any deed purporting to grant, sell or convey any land or portion of land, the fee of which is in Her Majesty, or purporting to grant, sell or convey the interest therein of a locatee or purchaser from the Crown, and the deed recites, or purports to be based upon a sale for taxes of the land or interest, the Commissioner of Crown Lands may act upon and treat the deed as a valid transfer of all the right and interest of the locatee or purchaser from the Crown, and of every person claiming under him, in or to such land or portion of land to the grantee named in the deed, and may cause a patent for the land to be issued to the grantee on completion of the original conditions of location for sale, unless the deed is questioned before a Court of competent jurisdiction by some person interested in the land within two years from the time of sale, and unless notice of the deed being so questioned, within the time aforesaid, is given to the Commissioner of Crown Lands. R. S. O. 1877, c. 23, s. 18.

19. The preceding section shall not apply to a deed based or purporting to be based upon a sale for taxes made prior to

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the 1st day of January, in the year 1868. R. S. O. 1877, c. 23, s. 19.

20. The preceding two sections shall not interfere with the authority of the Commissioner of Crown Lands under this Act to cancel the original sale, grant or location of any such land. R. S. O. 1877, c. 23, s. 20.

21. On an application for a patent by the heir, assignee or devisee of the original nominee of the Crown, the Commissioner of Crown Lands may receive proof in such manner as he may direct and require in support of any claim for a patent when the original nominee, or any one claiming under him, is dead, and upon being satisfied that the claim has been equitably and justly established, may allow the same and cause a patent to issue accordingly: But nothing in this section shall limit the right of the party claiming a patent to make his application at any time to the Commissioners under *The Act respecting the Heir, Devisee and Assignee Commission*. R. S. O. 1877, c. 23, s. 21.

#### FORFEITURE OF CLAIMS.

22. If the Commissioner of Crown Lands is satisfied that a purchaser, grantee, locatee or lessee of Public Land, or any assignee claiming under or through him, has been guilty of fraud or imposition, or has violated any of the conditions of sale, grant, location or lease, or of the license of occupation, or if such sale, grant, location or lease or license of occupation has been or is made or issued in error or mistake, he may cancel such sale, grant, location, lease or license, and resume the land therein mentioned, and dispose of it as if no sale, grant, location or lease thereof had ever been made. R. S. O. 1877, c. 23, s. 22.

23. Where a purchaser, lessee or other person refuses or neglects to deliver up possession of any land after revocation or cancellation of the sale, grant, location, lease or license, of occupation thereof as aforesaid, or when a person is wrongfully in possession of Public Land and refuses to vacate or abandon possession of the same, the Commissioner of Crown Lands may apply to the County Judge of the County in which the land lies for an order for possession, and the Judge, upon proof to his satisfaction that the right or title of the party to hold the land has been revoked or cancelled as aforesaid, or that he is wrongfully in possession of Public Land, shall grant an order upon the purchaser, lessee or person in possession, to deliver up the same to the Commissioner of Crown Lands, or person by him authorized to receive the same; and the order shall have the same force as a writ of possession; and the Sheriff, or Bailiff or person to whom the same may be entrusted for execution by the Commissioner of Crown Lands, shall execute the same in like manner as he would execute a writ in an action for the recovery of land. R. S. O. 1877, c. 23, s. 23.



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## RENT IN ARREAR.

24. Where rent payable to the Crown on a lease of Public Lands is in arrear, the Commissioner of Crown Lands, or an agent or officer appointed under this Act and authorized by the Commissioner of Crown Lands to act in such cases, may issue a warrant, directed to any person or persons by him named therein, in the nature of a distress warrant, as in ordinary cases of landlord and tenant; and the same proceedings may be had thereon for the collection of such arrears as in the last mentioned cases; or an action may be brought therefor in the name of the Commissioner of Crown Lands, but demand of rent shall not be necessary in any case. R. S. O. 1877, c. 23, s. 24.

## PATENTS ISSUED IN ERROR.

25. Where a patent has been issued to or in the name of the wrong party, through mistake in the Crown Lands Department, or contains any clerical error or misnomer, or wrong description of the land thereby intended to be granted, the Commissioner of Crown Lands (there being no adverse claim) may direct the defective patent to be cancelled and a correct one to be issued in its stead, which corrected patent shall relate back to the date of the one so cancelled, and have the same effect as if issued at the date of such cancelled patent. R. S. O. 1877, c. 23, s. 25.

26. In all cases in which grants or letters patent have been issued for the same land inconsistent with each other through error, and in all cases of sales or appropriations of the same lands inconsistent with each other, the Commissioner of Crown Lands may, in cases of sale, cause a repayment of the purchase money, with interest, or when the original grant or appropriation was a free grant, he may in substitution assign land or grant a certificate entitling the party to purchase Crown Lands, of such value and to such extent as to him, the Commissioner of Crown Lands, seems just and equitable under the circumstances; but no claim shall be entertained unless it is preferred within five years from the discovery of the error. R. S. O. 1877, c. 23, s. 26.

27. Where, by reason of false survey or error in the books or plans in the Crown Lands Department, any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the patent therefor, the Commissioner of Crown Lands may order the purchase money of so much land as is deficient, with the interest thereon from the time of the application therefor, or if the land has passed from the original purchaser, then the purchase money which the claimant (provided he was ignorant of a deficiency at the time of his purchase) has paid for so much of the land as is deficient, with interest thereon from the time of application therefor, to be paid to him in land or in money, as he, the Commissioner of Crown Lands may direct; or in case of a free grant, he may order a grant of other land equal in value to the land so intended as a free grant at

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the time the grant was made; but no claim shall be entertained unless application has been made within five years from the date of the patent, nor unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the particular lot or parcel of land granted. R. S. O. 1877, c. 23, s. 27.

28. Compensation awarded under the preceding two sections of this Act (except where land is specifically assigned therefor by the Commissioner of Crown Lands) and all claims therefor shall be treated as personal estate, and dealt with accordingly. R. S. O. 1877, c. 23, s. 28.

29. In case of a patent for land being repealed or avoided by the High Court, the judgment shall be registered in the registry office of the registry division in which the land lies. R. S. O. 1877, c. 23, s. 29 (1).

REDUCTION IN PRICE OF CERTAIN LANDS SOLD BEFORE 1ST  
JULY, 1867.

30. The Lieutenant-Governor in Council shall have authority to reduce the price of any Crown Lands, Clergy Land, Common or Grammar School Land sold by the Crown previously to the 1st day of July, in the year 1867, where it appears that such land has been sold at a price beyond its fair value, and that the price remains unpaid. R. S. O. 1877, c. 23, s. 30.

31. The Lieutenant-Governor in Council shall also have authority to make such abatement as may appear equitable and just, of the arrears of interest upon the unpaid instalments of the purchase money of any Crown Land, Clergy Land, Common or Grammar School Land sold by the Crown previously to the 1st day of July aforesaid; but the reductions and abatements shall be made only in respect of, and in proportion to the share or interest of this Province in the lands, and the price thereof, and shall not in anywise extend to or affect the share or interest of the Province of Quebec in the lands or the price thereof. R. S. O. 1877, c. 23, s. 31.

32. Before the reduction or abatement as aforesaid is made, the land in respect of which the reduction or abatement is proposed shall be examined and valued by one or more inspector or inspectors, appointed for that purpose by the Lieutenant-Governor in Council, or by the Commissioner of Crown Lands. R. S. O. 1877, c. 23, s. 32.

33. The reduction and abatement shall be confined to cases in which the purchaser from the Crown or person claiming under him is in occupation of the land, and is an actual settler thereon, or on land adjacent thereto. R. S. C. 1877, c. 23, s. 33.

34. The Lieutenant-Governor may, by Order in Council, confer upon the Commissioner of Crown Lands authority to make the reduction or abatement as aforesaid, subject to the

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provisions of this Act, and subject also to such other provisions, not inconsistent with this Act, as may be embodied in an Order in Council. R. S. O. 1877, c. 23, s. 34.

ANNUAL LISTS OF LANDS GRANTED, ETC., BY THE CROWN.

35. Public lands for which no patents have issued, but which have been sold, leased, located as free grants or appropriated to any person, or for which licenses of occupation have been granted, shall be liable to assessment in the municipalities in which they respectively lie, from the date of the sale, lease, location, appropriation or license; and a purchaser at the sale of such lands for taxes shall have in the lands so sold the same rights only as the person entitled to claim under the Crown at the time of such sale. R. S. O. 1877, c. 23, s. 35, *part.*

36. The Commissioner of Crown Lands shall in the month of February in every year transmit to the treasurer of every county a list of all the land within the county patented, located as free grants, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a license of occupation issued during the preceding year, and the Commissioner of Crown Lands shall in like manner apprise every treasurer of the cancellation of any license of occupation, or of any sale, lease, license, location, or appropriation from which time until again sold, leased, located, appropriated or placed under license, the land affected shall cease to be liable to taxes. R. S. O. 1877, c. 23, ss. 35 (*part.*), 36; 48 V. c. 8.

37. The Provincial Secretary shall, once in every three months, furnish to the Registrar of every Registry Division, a statement containing a list of the names of all persons to whom patents have issued from the Crown for grants of land within the registry division since the former statements, and of all persons whose patents have been cancelled since the former statements, and with such general or particular descriptions as the case may require; and the Commissioner of Crown Lands shall furnish copies of all plans or maps of towns and townships within the registry division which have not been already furnished, and in cases where no proper survey of any Township has been made he may cause a proper survey and plan thereof to be made and furnished. R. S. O. 1877, c. 23, s. 37.

OFFENCES AND PENALTIES.

38. No person holding an office created by or continued under this Act (save in the case provided for in section 9), or employed in the Department, shall, while holding such office or employment, directly or indirectly purchase any right, title or interest in any public land, or any land scrip, nor deal nor traffic in the same, either in his own right, or by the interposition of any other person, or in the name of any other person in trust for himself, nor shall take or receive any fee or emolument for negotiating or transacting any business

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connected with the duties of his office or employment; and any person offending in the premises shall forfeit his office or employment, and be liable to a penalty of \$400, to be recovered by action by any person suing for the same. R.S.O. 1877, c. 23, s. 38.

39. If an agent, appointed or continued in office under this Act, knowingly and falsely informs, or causes to be informed, any person applying to him to locate or purchase any land within his division and agency, that the same has already been located, assigned or purchased, or refuses to permit the person so applying to purchase the same, or (where entitled), to locate the same, according to existing regulations, such agent shall be liable therefor to the person so applying, in the sum of \$5 for each acre of land which the person so applying offered to locate or purchase, to be recovered by action in any Court of Record having jurisdiction to the amount. R. S. O. 1877, c. 23, s. 39.

#### MISCELLANEOUS.

40. Where, by law or by deed, lease or agreement relating to any lands herein referred to, any notice is required to be given, or any act to be done, by or on behalf of the Crown, such notice may be given and act done by or by the authority of the Commissioner of Crown Lands. R. S. O. 1877, c. 23, s. 40.

41. The Commissioner of Crown Lands shall cause lists of the Public Lands for sale in the several Townships in Ontario to be made out from time to time, and advertised and published as he deems most advisable for ensuring general information. R. S. O. 1877, c. 23, s. 41.

42. Affidavits required under this Act, or intended to be used in reference to any claim, business or transaction in the Crown Lands Department, may be taken before the Judge or Clerk of any County Court, or any Justice of the Peace, Notary Public, or any Commissioner for taking affidavits in the High Court, or the Commissioner of Crown Lands, or any agent of the Commissioner of Crown Lands, or the Assistant Commissioner of Crown Lands, or any Surveyor duly licensed and sworn, appointed by the Commissioner of Crown Lands to inquire into or take evidence or report in any matter submitted or pending before such Commissioner; or, if made out of the Province, before the Mayor or Chief Magistrate of, or the British Consul in, any City, Town or other Municipality. R. S. O. 1877, c. 23, s. 42; 48 V. c. 16, s. 1.

43. The Commissioner or the Assistant Commissioner of Crown Lands may authorize, by a commission under the hand and seal of the Commissioner or Assistant Commissioner, any person who is employed in the service of the Crown Lands Department, to take affidavits and affirmations in any part of Ontario, in respect of any matter or inquiry having reference to any business of the Department, or of any matter or



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inquiry in respect of which the Department is interested, or which affects the revenue of Ontario. R. S. O. 1877, c. 23, s. 43.

44. The authority granted by virtue of any commission under the preceding section, may be limited to a certain period of time, or may be expressed to be while the commissioner receiving authority under the commission remains in the service of the department; but the same shall in any event determine upon the commissioner ceasing to be employed in such service. R. S. O. 1877, c. 23, s. 44.

45. Copies of records, documents, books or papers belonging to or deposited in the Department, attested under the signature of the Commissioner or of the Assistant Commissioner, shall be competent evidence in all cases in which the original records, documents, books or papers, could be evidence. R. S. O. 1877, c. 23, s. 45.

46. With a view to remove doubts, and to quiet the titles to certain lands granted before the 23rd of April, 1860, it is enacted, that the non-observance and non-fulfilment of the condition imposed in and by certain patents issued for Public Lands, of taking the oaths which may have been before the said date prescribed in case of any subsequent sale, conveyance, encroachment or exchange, by the patentee, and of recording such oaths, within twelve months after having taken possession, in the office of the Provincial Secretary, or of performing certain settlement duties, shall not affect in any way the patent or title of any patentee, or of any subsequent purchaser or proprietor. R. S. O. 1887, c. 23, s. 46.

47. It has been heretofore, and it shall be hereafter lawful for the Lieutenant-Governor in Council to authorize sales or appropriations of land covered with water in the harbours, rivers and other navigable waters in Ontario, under such conditions as it has been, or it may be, deemed requisite to impose, but not so as to interfere with the use of any harbour as a harbour, or with the navigation of any harbour, river or other navigable water. R. S. O. 1877, c. 23, s. 47.

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**An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands.**

1. This Act may be cited as "*The Free Grants and Homesteads Act*," and shall be taken and read as part of *The Public Lands Act*. R. S. O. 1877, c. 24, s. 1.

2. Except as hereinafter and in sections 12 and 13 of *The Public Lands Act* provided, no free grant of Public Land shall be made, but patents may issue for all lands located as free grants before the 28th day of February, 1868, under section 13 of *The Public Lands Act* of 1860, as if this Act had not been passed. R. S. O. 1877, c. 24, s. 2.

3. The Lieutenant-Governor in Council may appropriate any Public Lands considered suitable for settlement and cultivation, and not being mineral lands or pine timber lands, as free grants to actual settlers, under such regulations as shall from time to time be made by Order in Council not inconsistent with the provisions of this Act. R. S. O. 1877, c. 24, s. 3.

4. Such grants or appropriations shall be confined to lands surveyed or hereafter to be surveyed, situate within the tract or territory composed of the Districts of Algoma, Thunder Bay, Rainy River and Nipissing, and of the lands lying between the Ottawa River and the Georgian Bay to the west of a line drawn from a point opposite the south-east angle of the Township of Palmerston, north-westerly along the western boundaries of the Townships of North Sherbrooke, Lavant, Blithfield, Admaston, Bromley, Stafford and Pembroke to the Ottawa River, and to the north of the rear or northerly boundaries of the Townships of Oso, Olden, Kennebec, Kaladar, Elzevir, Madoc, Marmora, Belmont, Dummer, Smith, Ennismore, Somerville, Laxton, Carden, Rama, and of the River Severn. R. S. O. 1877, c. 24, s. 4; 48 V. c. 20; 49 V. c. 19, s. 1.

5. The person to whom any land may be allotted or assigned under the regulations for a free grant thereof shall be considered as located for the said land within the meaning of this Act, and is hereinafter called the locatee thereof. R. S. O. 1877, c. 24, s. 5.

6. No person shall be located for any land under this Act or the regulations, unless he is of the age of eighteen years or upwards, nor shall any person be so located for a greater quantity than two hundred acres. R. S. O. 1877, c. 24, s. 6.

7.—(1) Before a person is located for any land as aforesaid he shall make an affidavit, to be deposited with the agent

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authorized to make the location, stating that he has not been located for any land under this Act or under the regulations and that he is of the age of eighteen years of age or upwards, (and in the case of a female that she is the sole head of a family having children under eighteen years of age residing with her) and believes the land for which he applies, or desires to be located is suited for settlement and cultivation, and is not valuable chiefly for its mines, minerals or pine timber, and that the location is desired for his benefit, and for the purpose of actual settlement and cultivation of the land, and not either directly or indirectly for the use or benefit of any other person, nor for the purpose of obtaining, possessing or disposing of any of the pine trees growing or being on the land, or any benefit or advantage therefrom, or any gold, silver, copper, lead, iron or other mines or minerals, or any quarry or bed of stone, marble or gypsum thereon. 43 V. c. 4, s. 1.

(2) Provided always, that any person who has obtained a patent under this Act may, on shewing by affidavit that he has *bona fide* and absolutely parted with the land so patented, obtaining another location. 47 V. c. 7, s. 1.

8. No patent shall issue for land located under this Act or under the regulations until the expiration of five years from the date of the location, nor until the locatee or those claiming under him or some of them have performed the following settlement duties, that is to say: have cleared and have under cultivation at least fifteen acres of the said land, (whereof at least two acres shall be cleared and cultivated annually during the five years next after the date of location, to be computed from such date) and have built a house thereon fit for habitation at least sixteen feet by twenty feet, and have actually and continuously resided upon and cultivated the said land for the term of five years next succeeding the date of location, and from thence up to the issue of the patent, except that the locatee shall be allowed one month from the date of the location to enter upon and occupy the land, and that absence from the land for in all not more than six months during any one year (to be computed from the date of the location) shall not be held to be a cessation of residence, provided the land be cultivated as aforesaid. R. S. O. 1877, c. 24, s. 8.

9. On failure in performance of the settlement duties aforesaid, the location shall be forfeited, and all rights of the locatee or of any one claiming under him in the land, shall cease. R. S. O. 1877, c. 24, s. 9.

10. Pine trees growing or being upon land located or sold within the limits of the Free Grant territory after the 5th day of March, 1880, and gold, silver, copper, lead, iron or other mines or minerals shall be considered as reserved from the location, and shall be the property of Her Majesty, except that the locatee, or purchaser, or those claiming under them, may cut and use such pine trees as may be necessary for the purpose of building and fencing on the land so located, and for firewood, and may also cut and dispose of all trees requiring to be removed in the actual clearing of the land for cultivation.

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but no pine trees except for the necessary building and fencing (as aforesaid) shall be cut beyond the limit of such actual clearing; and pine trees cut in the process of clearing, and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw-logs. 43 V. c. 4. s. 2.

11. The patents for all lands located or sold as aforesaid shall contain a reservation of all pine trees standing or being on the lands, which pine trees shall continue to be the property of Her Majesty; and any person now or hereafter holding a license to cut timber or saw logs on such lands, may at all times during the continuance of the license enter upon the uncleared portion of such lands, and cut and remove such trees and make all necessary roads for that purpose, and for the purpose of hauling in supplies, doing no unnecessary damage thereby, but the patentees or those claiming under them may cut and use such trees as may be necessary for the purpose of building and fencing on the lands so patented, and may also cut and dispose of all trees required to be removed in actually clearing the land for cultivation, but no pine trees (except for necessary building and fencing as aforesaid) shall be cut beyond the limit of the actual clearing; and all pine trees so cut and disposed of shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or sawlogs. 43 V. c. 4, s. 3.

12. The patentee, his heirs or assigns. of land located or sold under this Act after the 5th day of March, 1880, shall be entitled to be paid out of the Consolidated Revenue of the Province on all pine trees cut on such land subsequent to the thirtieth day of April next after the date of the patent, and upon which dues have been collected by the Crown, the sum of twenty-five cents on each thousand feet, board measure, of sawlogs, and three dollars on each thousand cubic feet of square or waney pine timber, and the Lieutenant-Governor in Council is to make regulations for ascertaining and determining the persons from time to time to receive the payments and the sums to be paid. 43 V. c. 4, s. 4.

13. Nothing contained in this Act, or in *The Free Grants and Homestead Act* of 1868, or in the Act passed in the thirty-seventh year of Her Majesty's reign, and chaptered 23, or in any other Act passed by the Legislature of the Province, or within its legislative authority, shall be held to have in any way restricted or to restrict the authority of the Commissioner of Crown Lands to grant licenses to cut timber on lots located or sold under the *The Free Grants and Homestead Act* of 1868, or under this Act, and on the contrary it is hereby declared that the Commissioner, ever since the passing of *The Free Grants and Homestead Act* of 1868, had under chapter 23 of the Consolidated Statutes of Canada, intituled *An Act respecting the Sale and Management of Timber on Public Lands*, under chapter 25 of *The Revised Statutes of Ontario*, 1877, and now has, under chapter 28 of these Revised Statutes, full authority to grant licenses to cut timber on lots located or sold under



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*The Free Grants and Homestead Act of 1868, or under this Act.*  
R. S. O. 1877, c. 24, s. 11.

14. Every license heretofore issued, whether the same has expired or is still current, and every license which may be hereafter issued to cut timber within the limits of any territory appropriated as Free Grant Territory, shall be deemed to have been and to be good and valid in all respects whatsoever, for the period for which the same was or may be granted, notwithstanding the patent for lands included therein may in the meantime have been issued; and every license shall be taken to have conferred, and to confer upon the holder thereof, the right to cut timber on the lands included therein until its expiration, whether the lands were or are located or sold under the said Act, or were or are unlocated or unsold, subject however to the conditions, regulations and restrictions specially applicable to the said Free Grant Territory, or to the said lot so sold or located as may have been heretofore or may be hereafter made by the Lieutenant-Governor in Council in respect of the payment of timber dues or otherwise, and subject also to the exceptions or restrictions contained in the license; but no license shall confer the right to cut any other than pine timber upon lands which have been located or sold in the said territory prior to the date of the license unless the location or sale has been heretofore or is hereafter cancelled. R. S. O. 1877, c. 24, s. 12.

15. The next preceding two sections shall not apply to any case adjudicated upon by any Court of this Province, on the 2nd day of March, 1877, or to any case that was pending on the 28th day of December, 1876. R. S. O. 1877, c. 24, s. 13.

16. Neither the locatee, nor any one claiming under him, shall have power to alienate (otherwise than by devise) or to mortgage or pledge any land located as aforesaid, or any right or interest therein before the issue of the patent. R. S. O. 1877, c. 24, s. 14.

17. No alienation (otherwise than by devise) and no mortgage or pledge of the land, or of any right or interest therein by the locatee after the issue of the patent, and within twenty years from the date of the location, and during the lifetime of the wife of the locatee, shall be valid or of any effect, unless the same be by deed in which the wife of the locatee is one of the grantors with her husband, nor unless such deed is duly executed by her. R. S. O. 1877, c. 24, s. 15.

18. Every patent to be issued for land located as aforesaid shall state in the body thereof the name of the original locatee of the land, and the date of the location, and that the patent is issued under the authority of this Act. R. S. O. 1877, c. 24, s. 16.

19. On the death of the locatee, whether before or after the issue of the patent for land so located, all his then right and interest in and to the land shall descend to and become vested in his widow during her widowhood in lieu of dower, in case

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there be a widow surviving the locatee; but the widow may elect to have her dower in lieu of the provision aforesaid R. S. O. 1877, c. 24, s. 17.

20.—(1) No land located as aforesaid, nor any interest therein, shall in any event be or become liable to the satisfaction of any debt or liability contracted or incurred by the locatee, his widow, heirs or devisees, before the issuing of the patent for the land.

(2) After the issuing of the patent for any land, and while the land or any part thereof, or interest therein, is owned by the locatee or his widow, heirs or devisees, such land, part or interest, shall, during the twenty years next after the date of the location be exempt from attachment, levy under execution, or sale for payment of debts, and shall not be or become liable to the satisfaction of any debt or liability contracted or incurred before or during that period, save and except a debt secured by a valid mortgage or pledge of the land made subsequently to the issuing of the patent. R. S. O. 1877, c. 24, s. 18.

21. Nothing in this Act shall be construed to exempt the land from levy or sale for rates or taxes heretofore or hereafter legally imposed. R. S. O. 1877, c. 24, s. 19.

22.—(1) Every parcel of land subject to the provisions of the Act, chapter 5 of the Acts passed in the 34th year of Her Majesty's reign, intituled *An Act to encourage Settlement in the Free Grant Territory*, and the Act amending the same passed in the 37th year of Her Majesty reign and chaptered 21, shall continue to be subject thereto, and to this Act, and to any regulations made or to be made by Order in Council under *The Free Grants and Homestead Act of 1868*, or under this Act, except so far as such regulations and provisions are varied by or are inconsistent with the said first mentioned Act and the amendments thereto.

(2) So much of section 8 of this Act as relates to building a house shall not apply to such parcel after clearance, fencing and erection thereon under the said first mentioned Act and the amendments thereto.

(3) No patent shall issue for any parcel unless the locatee thereof, or those claiming under him, has, within five years from the date of location, paid to the Commissioner of Public Works the expense of clearance, fencing and erection, and the interest thereon from the date of location.

(4) On failure in payment of such expense and interest, or in performance of settlement duties according to this Act, the location shall be forfeited, and all rights of the locatee, and of every person claiming under him, in the land shall cease. R. S. O. 1877, c. 24, s. 20.

#### REMISSION OF SUMS DUE IN CERTAIN TOWNSHIPS.

23. The Lieutenant-Governor in Council may remit the sums due to the Crown in respect of their lands by *bona fide*

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settlers in all the Free Grant Townships who were in occupation of their lands on the second day of March, 1872, and place the settlers in the same position as those who settled in the Free Grant Townships under the Free Grant Regulations. R. S. O. 1877, c. 24, s. 21.

24. The Lieutenant-Governor in Council may confer upon the Commissioner of Crown Lands authority to make the remissions in the next preceding section mentioned, subject to the provisions thereof and of any Order in Council not inconsistent therewith. R. S. O. 1877, c. 24, s. 22.

### An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands in the District of Rainy River.

WHEREAS under instructions from the Department of the Interior of Canada, certain townships have been surveyed in the Rainy River District, the lots immediately upon the bank of Rainy River having a width of ten chains fronting the river and a varying depth, and the remaining lands so surveyed being subdivided into sections of one mile square, and quarter sections of one hundred and sixty acres, with road allowances around each section; and whereas a number of settlers have gone into occupation of the lands so surveyed, and it is expedient to adopt said surveys and otherwise provide for the settlement of the lands in question:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Rainy River Free Grants and Homesteads Act.*" 49 V. c. 7, s. 1.
2. The said surveys are hereby adopted and legalized, and the Department of Crown Lands is authorized to continue such system of survey within the District of Rainy River, so far as may be deemed expedient. 49 V. c. 7, s. 2.
3. The Lieutenant-Governor in Council may appropriate any lands in the Rainy River District considered suitable for settlement and cultivation, and not being mineral lands or pine timber lands, as free grants to actual settlers, under such regulations as shall from time to time be made by Order in Council not inconsistent with the provisions of this Act. 49 V. c. 7, s. 3.
4. *The Free Grants and Homesteads Act*, saving and excepting as is hereinafter provided, and so far as the same is not inconsistent with the provisions of this Act, shall apply to lands opened for settlement under this Act.
  - (1) The male, or sole female, head of a family with children under eighteen years of age residing with him, or her, may be

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located for a free grant to the extent of one hundred and sixty acres, or a quarter section.

(2) A male of the age of eighteen years, without children, may be located for a free grant to the extent of one hundred and twenty acres, or a half quarter section, together with an adjoining quarter section.

(3) In addition to location every head of a family having children under eighteen years of age residing with him, or her, may purchase at the time of location an adjoining half quarter section, or eighty acres, at \$1 per acre, payable one-fourth cash and the balance in three equal annual instalments with interest.

(4) A male of the age of eighteen years, without children, entitled to locate, may purchase at the time of location an adjoining half quarter section, or eighty acres, at \$1 per acre, payable one-fourth cash, and the balance in three equal annual instalments with interest.

(5) Patents for lands located and purchased under this Act may issue at the expiration of three years from the date of location and purchase.

(6) Where a person has, previous to the passing of this Act, made substantial improvements on two or more adjoining lots, and the lots contain more land than the person is entitled under this Act to locate and purchase, the Commissioner of Crown Lands may sell to such person such additional quantity of land at \$1 per acre as may, under the circumstances, seem just and equitable.

(7) In case a person has occupied and made the required improvements upon one or more lots of land before the passing of this Act, the Commissioner of Crown Lands may, after location and purchase as hereinbefore provided, issue the patent therefor without waiting for the expiration of three years.

(8) Pine trees growing or being upon any lands located or purchased under this Act, and gold, silver, copper, lead, iron or other mines, or minerals, shall be considered as reserved from the location or purchase, and shall be the property of Her Majesty, except that the locatee, or those claiming under him, may cut and use such trees as may be necessary for the purpose of building, fencing and fuel, on the land so located or purchased, and may also cut and dispose of all trees required to be removed in actually clearing the land for cultivation, but no pine trees (except for the necessary building, fencing, and fuel as aforesaid) shall be cut beyond the limit of the actual clearing before the issuing of the patent; and pine trees so cut and disposed of (except for the necessary building, fencing and fuel as aforesaid) shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw logs.

(9) Trees remaining on the land at the time the patent issues shall pass to the patentee. 49 V. c. 7, s. 4.

5. This Act shall not go into force until a day to be named by the Lieutenant-Governor by his proclamation. 49 V. c. 7, s. 5.



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## NOTES FOR LUMBERMEN, LICENSEES, &c.

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1. License for timber applies to pine only on lands located or sold in Free Grant Territory, which have been located or sold prior to date of license. Locatee is entitled to all the other timber.
2. Licenses may be granted for lots which have formerly been in license where location has been cancelled or consent of previous licensee being filed.
3. Note No 2 refers to cases where the lots have at some previous time been sold in a limit or some public auction sale of pine lands, but have been withdrawn from license upon location, and the Department of Crown Lands has not been requested by the previous licensee from having them again added to his license.
4. Where a lot has been dropped from a license either on account of location period having expired or other reasons, it cannot be restored to or put under license unless it is shown either by inspection at expense of applicant, or reliable evidence under oath, that the lot is unoccupied and unimproved, and the whereabouts of the locatee, if ascertainable, and upon the state of the lots as regards improvements, residence, etc., would depend the action taken by the Department.
5. Under the Amendment to the *Free Grants and Homesteads Act*, passed in 1880, it was enacted that patentees of lands located subsequent to 5th March, 1880, are entitled to a moiety of the Crown dues collected on square pine timber and pine sawlogs cut under timber license upon such lands after the 30th day of April (that being the day that all licenses expire) following date of patent, and upon which dues have been collected by the Crown, the sum of twenty-five cents on each 1000 feet, board measure, of saw logs, and three dollars on each thousand cubic feet of square or waney pine timber.
6. It is now incumbent on all licensees that they shall each year or season make a separate sworn return of the quantity of pine timber or pine sawlogs cut upon each lot appearing in their license, patent for which had issued prior to the 30th day of April preceding the date of such license, to the Department of Crown Lands, or its agent or agents; and that they shall furnish such further proof as to the number of pieces and measurement of pine timber and sawlogs cut upon such patented lots, as may be required by the Department.

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7. Under Revised Statutes Ontario, chapter 20 and amendment thereto, 44 Vic. chapter 2, if a Municipality pass a By-law for preserving or selling timber on Government Road Allowances within the Township, said By-law has to be filed within six months from the passing thereof; and under the Act in question a sum equal to two per centum of the dues received by the Crown on timber and logs cut within the Township under the authority of any Crown timber license is what the municipality is entitled to. The amount is paid to the Treasurer of the Township after the returns from the different licensees are checked at the Crown Timber Office, Toronto.

8. Licensees of Crown timber limits covering allowance for roads are not liable for cutting timber on road allowances, under the authority of the Crown, where no steps have been taken by the Municipality to pass a By-law dealing with such timber. But after passage of such By-law the Municipality may sue the licensee for cutting such timber, even though the licenses were granted before the By-law—the licensees at the time of cutting having had notice of such By-law.

9. Ownership of timber on road allowances is vested in the Municipality, subject to the rights of the Crown.

10. If a license has priority of date over sale, the Courts have held that the license is in the nature of a lease or deed, and is valid over all pine timber during its currency, and upon renewal it would be held to cover pine only on such lots as had been sold or located before the date of such renewal.

11. A squatter has no legal right to timber cut in the course of clearing and should a license be current the licensee might claim the timber, even though cut in course of clearing. It is not until a man becomes a locatee that the law defines his right.

12. Timber on Indian Lands belongs to the Dominion, and any applications for licenses must be made to the Indian Department, Ottawa, Canada.

13. The duty chargeable on logs covers also the bark whether on or off. The charge on bark being made only when it has been peeled for tanning.

14. There is an export duty of two dollars per thousand feet, board measure, on all unmanufactured pine timber shipped to the United States or other foreign ports. No export duty is charged on manufactured timber.

15. Permits are granted to cut burnt timber in the Thunder Bay District by Wm. Margach, Crown Timber Agent, Port Arthur.

16. Permits are granted to cut cordwood in Rainy River District by A. F. Dulmage, Rat Portage.

17. All Crown timber licenses must be signed by either the Commissioner or Assistant Commissioner of Crown Lands,

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18. Lumbermen wishing to register Timber Brands must send to the Department of Agriculture, Ottawa, "Trade Mark Branch." For information and copies of brands see Lumbermen's Trade Mark Guide, compiled from official records by J. B. Jackson, Ottawa, Canada.

19. Any person purchasing timber from settlers upon unpatented lands must make a sworn return of such timber so obtained to an agent of the Crown Lands Department.

20. The holders of timber licenses have the exclusive right to marsh hay on their limits as against squatters and all other parties except actual locatees or purchasers.

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## An Act respecting Timber on Public Lands.

### LICENSES TO CUT TIMBER ON PUBLIC LANDS.

1.—(1) The Commissioner of Crown Lands, or any officer or agent under him authorized to that effect, may grant licenses to cut timber on the ungranted lands of the Crown, at such rates, and subject to such conditions, regulations and restrictions as may from time to time be established by the Lieutenant-Governor in Council, and of which notice may be given in the *Ontario Gazette*.

(2) No license shall be granted for a longer period than twelve months from the date thereof; and if, in consequence of incorrectness of survey, or other error, or cause whatsoever, a license is found to comprise lands included in a license of a prior date, the license last granted shall be void in so far as it interferes with the one previously issued, and the holder or proprietor of the license so rendered void shall have no claim upon the Government for indemnity or compensation by reason of such avoidance. R. S. O. 1877, c. 26, s. 1.

2. The licenses shall describe the lands upon which the timber may be cut, and shall confer for the time being on the nominee the right to take and keep exclusive possession of the lands so described, subject to such regulations and restrictions as may be established:—And the licenses shall vest in the holders thereof all rights of property whatsoever in all trees, timber and lumber cut within the limits of the license during the term thereof, whether the trees, timber and lumber are cut by authority of the holder of the license, or by any other person, with or without his consent;—And the licenses shall entitle the holders thereof to seize in revindication, or otherwise, such trees, timber or lumber where the same are found in the possession of any unauthorized person, and also to institute any action against any wrongful possessor or trespassers, and to prosecute all trespassers and other offenders to punishment and to recover damages if any;—And all proceedings pending at the expiration of any license may be continued to final termination as if the license had not expired. R. S. O. 1877, c. 26, s. 2.

3. Every Government road allowance included in any Crown timber license, heretofore granted, or which may hereafter be granted under section 1 of this Act, shall be deemed and taken to be and to have been ungranted lands of the Crown, within the meaning of said section, and liable as such to be included in the license. R. S. O. 1877, c. 26, s. 3.

4. The licensee or nominee named in any license shall be deemed and taken to have, and to have had, all the rights in respect of every such road allowance, and the trees, timber.

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and lumber thereon, or cut thereon, as were, or by section 2 of this Act, may be conferred upon him in respect of any other Crown lands embraced in such license, and the trees, timber and lumber thereon, or cut thereon, except that he shall not be entitled to take or keep exclusive possession of such road allowance. R. S. O. 1877, c. 26, s. 4.

5. No by-law passed, or to be passed by any Municipal Council for preserving, selling, or otherwise appropriating or disposing of the timber or trees, or any part thereof, on a Government road allowance included in any license, shall be deemed or taken to have had or have any force or effect against such license. R. S. O. 1877, c. 26, s. 5.

6. In case the council of any township, organized as a separate municipality, or the council of any united townships, have passed, or hereafter pass, a by-law for preserving or selling the timber or trees on the Government road allowances within such township, or united townships, and included in any license, the corporation of such township or united townships shall be entitled to be paid out of the consolidated revenue fund of this Province a sum equal to two per centum of the dues received by Her Majesty for or in respect of the timber or saw-logs which, during the existence of the by-law, were cut within the township, or united townships, under the authority of the license: but no corporation shall be entitled to such percentage of the dues received for timber or saw-logs cut during the times or seasons when timber, or trees on such road allowances were cut or removed, for which cutting or removal the Corporation had, before the 15th day of February, 1871, obtained a verdict against such licensee or nominee. 44 V. c. 2, s. 1.

7. No Municipal Corporation shall be entitled to such payment as aforesaid, unless a certified copy of the by-law passed or to be passed as aforesaid, accompanied by an affidavit of the Clerk or Reeve of the Corporation, verifying the copy, and the date of the passing of the by-law, is filed in the Department of the Crown Lands at Toronto within six months from the passing of the by-law; and the affidavit may be made or taken before any person or officer who, under sections 42 or 43 of *The Public Lands Act*, is authorized to take the affidavits in those sections mentioned. R. S. O. 1877, c. 26, s. 7.

8. All moneys to be paid, as aforesaid, to any municipal corporation shall be expended in the improvement of the highways situate within the Township or within the senior or junior township in respect of which such moneys were paid. 44 V. c. 2, s. 2.

9. The percentage to which the junior township or townships of such united townships may be entitled, shall only be in respect of the dues received upon timber or trees which shall be cut after the 30th day of April, 1881. 44 V. c. 2, s. 3.

[See Cap. 25, ss. 13-15, as to the right of the Crown to grant Timber Licenses on Free Grant Lands.]

THE HISTORY OF THE  
CITY OF BOSTON  
FROM 1630 TO 1880  
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JOHN W. COOPER

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## OBLIGATIONS OF PERSONS OBTAINING LICENSES.

10. Every person obtaining a license shall, at the expiration thereof, make to the officer or agent granting the same, or to the Commissioner of Crown Lands, a return of the number and kinds of trees cut, and of the quantity and description of saw-logs, or of the number and description of sticks of square timber manufactured and carried away under the license; and the statement shall be sworn to by the holder of the license, or his agent, or by his foreman, before a Justice of the Peace; and any person refusing or neglecting to furnish such statement, or evading or attempting to evade any regulation made by Order in Council, shall be held to have cut without authority, and the timber made shall be dealt with accordingly. R. S. O. 1877, c. 25, s. 9.

11.—(1) All timber cut under licenses shall be liable for the payment of the Crown dues thereon, so long as and wheresoever the timber or any part of it may be found in Ontario, whether in the original logs or manufactured into deals, boards or other stuff; and all officers or agents entrusted with the collection of such dues may follow all timber and seize and detain the same wherever it is found until the dues are paid or secured.

(2) Nothing in this Act contained shall be construed to repeal the provision of section 4 of chapter 23 of the Consolidated Statutes of Canada, as regards timber removed into the Province of Quebec. R. S. O. 1877, c. 26, s. 10.

12. Bonds or promissory notes taken for the Crown dues either before or after the cutting of the timber, as collateral security, or to facilitate collection, shall not in any way affect the lien of the Crown on the timber, but the lien shall subsist until the dues are actually discharged. R. S. O. 1877, c. 26, s. 11.

13. If timber so seized and detained for non-payment of Crown dues remains more than two months in the custody of the agent or person appointed to guard the same, without the dues and expenses being paid, the Commissioner of Crown Lands, with the previous special sanction of the Lieutenant-Governor in Council, may order a sale of the timber to be made after sufficient notice; and the balance of the proceeds of the sale, after retaining the amount of dues and costs incurred, shall be handed over to the owner or claimant of the timber. R. S. O. 1877, c. 26, s. 12.

## LIABILITY OF PERSONS CUTTING WITHOUT A LICENSE.

14.—(1) If any person without authority cuts, or employs or induces any other person to cut, or assists in cutting timber of any kind on the Crown, Clergy, School or other Public Lands, or removes or carries away, or employs or induces or assists any other person to remove or carry away, merchantable timber of any kind, so cut from the Public Lands aforesaid, he shall not acquire any right to the timber so cut, or any claim to any remuneration for cutting, preparing the same for market, or conveying the same to or towards market.

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(2) When the timber or saw logs made has or have been removed by any person out of reach of the officers of the Crown Lands Department, or it is otherwise found impossible to seize the same, such person shall, in addition to the loss of his labour and disbursements, forfeit a sum of \$3 for each tree (rafting stuff excepted) which he is proved to have cut or caused to be cut or carried away.

(3) Such sum shall be recoverable with costs, at the suit and in the name of the Commissioner of Crown Lands, or resident agent, in any Court having jurisdiction in civil matters to the amount of the penalty.

(4) In such cases it shall be incumbent on the party charged to prove his authority to cut; and the averment of the party seizing or prosecuting that he is duly employed, under the authority of this Act, shall be sufficient proof thereof, unless the defendant proves the contrary. R. S. O. 1877, c. 26, s. 13.

15. Where satisfactory information, supported by affidavit made before a Justice of the Peace or before any other competent party, is received by the Commissioner of Crown Lands, or other officer or agent of the Crown Lands Department, that any timber or quantity of timber has been cut without authority on Crown, Clergy, School or other Public Lands, and describing where the timber can be found, the Commissioner, officer or agent, or any one of them, may seize or cause to be seized in Her Majesty's name, the timber so reported to be cut without authority, wherever it is found, and place the same under proper custody, until a decision can be had in the matter from competent authority. R. S. O. 1877, c. 26, s. 14.

16. Where the timber so reported to have been cut without authority on the Public Lands, has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed up at the mills or elsewhere, as to render it impossible or very difficult to distinguish the timber so cut on Public Lands without license from other timber with which it is mixed up, the whole of the timber so mixed shall be held to have been cut without authority on Public Lands, and shall be liable to seizure and forfeiture accordingly, until satisfactorily separated by the holder. R. S. O. 1877, c. 26, s. 15.

#### SEIZURE OF TIMBER, &C.

17. Any officer or person seizing timber, in the discharge of his duty under this Act, may in the name of the Crown call in any assistance necessary for securing and protecting the timber so seized. R. S. O. 1877, c. 26, s. 16.

18. Whenever timber is seized for non-payment of Crown dues, or for any other cause of forfeiture, or any prosecution is brought for any penalty or forfeiture under this Act, and a question arises whether the said dues have been paid on the timber, or whether the timber was cut on other than the Public Lands aforesaid, the burden of proving payment, or on what land the timber was cut, shall lie on the owner or



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claimant of the timber and not on the officer who seizes the same, or the party bringing the prosecution. R. S. O. 1877, c. 26, s. 17.

19. All timber seized under this Act shall be deemed to be condemned, unless the person from whom it was seized, or the owner thereof, within one month from the day of the seizure gives notice to the seizing officer or nearest officer or agent of the Crown Lands Office, that he claims or intends to claim the same; failing notice, the officer or agent seizing shall report the circumstances to the Commissioner of Crown Lands, who may order the sale of the said timber, by the officer or agent after a notice on the spot of at least thirty days. R. S. O. 1877, c. 26, s. 18.

20.—(1) Every Judge having competent jurisdiction, may whenever he deems it proper, try and determine such seizure and may order the delivery of the timber to the alleged owner on receiving security by bond with two good and sufficient sureties to be first approved by the agent, to pay double the value in case of condemnation.

(2) The bond shall be taken in the name of the Commissioner of Crown Lands, to Her Majesty's use, and shall be delivered up to and kept by the Commissioner.

(3) If the seized timber is condemned, the value thereof shall be forthwith paid to the Commissioner of Crown Lands or the agent, and the bond cancelled, otherwise the penalty of such bond shall be enforced and recovered. R. S. O. 1877, c. 26, s. 19.

21. Every person availing himself of any false statement or oath to evade the payment of Crown dues, shall forfeit the timber on which dues are attempted to be evaded. R. S. O. 1877, c. 26, s. 20.

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## CROWN TIMBER REGULATIONS.

*Established under Chapter 23 of the Consolidated Statutes of Canada,  
by order of His Excellency the Lieutenant-Governor in  
Council, dated 16th April, 1869.*

1st. The Commissioner of Crown Dands may, at his discretion, cause the limit lines of any Timber Berths under License, which have not been already surveyed, to be properly surveyed and run, the costs of such survey to be paid by the holder of the License; and where two or more Licensees are interested in the survey, the Commissioner shall determine what portion of the costs of the survey shall be paid by each, and such costs of survey shall be a charge upon the Timber Berth, to be paid with the ground rent before the renewal of the License.

2nd. The Commissioner of Crown Lands, before granting any Licenses for new Timber Berths in the unsurveyed territory, shall, as far as practicable, cause the section of country where it is intended to allot such Berths to be run out into Townships, and each Township when so surveyed shall constitute a Timber Berth, but the Commissioner of Crown Lands may cause such Townships to be subdivided into as many Timber Berths as he may think proper.

3rd. The berths or limits when so surveyed and set off, and all new Berths or limits in surveyed territory shall be explored and valued, and then offered for sale by public auction at the upset price fixed by such valuation, at such time and place, and on such conditions and by such officer as the Commissioner of Crown Lands shall direct by public notice for that purpose, and shall be sold to the highest bidder for cash at the time of sale.

### NOTES.—

#### THE USUAL CONDITIONS AND TERMS OF SALE.

*Conditions.*—Berths to be adjudged to the persons bidding the highest amount of Bonus therefor per square mile.

The Berths sold to be subject to the "Crown Timber Regulations," and to such Orders in Council as now exist, or may hereafter be passed affecting territory under timber license from the Crown.

The Department reserves the right to one bid on each Berth.

All Berths offered for sale in unsurveyed territory will be so offered as containing an area in square miles (more or less), such area to be corrected by actual survey at the cost of the purchaser under the first clause of the existing Crown Timber Regulations, or under any Regulation with respect to the defining of such Berths which may hereafter be established by Order in Council.

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No deduction allowed for water in areas sold in unsurveyed territory.

*Terms*—Purchases to the amount of \$1,000 or under to be paid in Cash on the day of sale.

Purchases over \$1,000 and not exceeding \$5,000, one half of Bonus to be paid in cash on day of sale, and a note or notes to be given for the remaining half of Bonus, payable in three months, at a Bank in the City of Toronto, with seven per cent. interest.

Purchases over \$5,000 and not exceeding \$10,000, one-third of Bonus to be paid in cash on day of sale and notes to be given for the remaining two-thirds of Bonus, payable in three and six months, at a Bank in the City of Toronto, with seven per cent. interest.

Purchases over \$10,000, one-fourth of Bonus to be paid in cash on day of sale, and notes to be given for the remaining three-fourths of Bonus, payable in three, six and nine months at a Bank in the City of Toronto, with seven per cent. interest.

Ground rent for current season to be paid with cash payment of Bonus.

Licenses for Berths awarded at sale to be issued in due course after payment in full of Bonus and ground rent.

*Notes*.—Cash payments are to be made by depositing the same in a Bank in the City of Toronto to the credit of the Department of Crown Lands and delivering the certificate of deposit to the officer in charge of the Woods and Forests Branch of the Crown Lands Department.

Notes given for balances due must be endorsed by names satisfactory to the Department.

Notice is always given in the *Ontario Gazette* and all the leading lumbering papers in the United States and Canada for at least two months before sale.

4th. All forfeited Timber Berths may be offered for sale on the second Tuesday in August in each year, by Public Auction, such upset price, and at such place as the Commissioner of Crown Lands may fix and appoint by public notice, or at such other rate as he may fix by such notice, and shall be awarded to the highest bidder, making payment at the time of sale, but should the said Timber Berth not be then sold, the same may be granted to any applicant willing to pay the said upset price and ground rent, or on such other terms as the Commissioner of Crown Lands may direct.

*NOTES*.—Forfeited Berths mean those that have been bid in at a sale, but purchaser has not fulfilled conditions of sale. Also where ground rent has not been paid at the proper time. These Berths may either be sold by private sale at the price reserved at the prior sale, or may be put up at auction a second time.

5th. License-holders who shall have complied with all existing regulations, shall be entitled to have their Licenses renewed on application to the Commissioner of Crown Lands, or to such local agent as he may appoint, for that purpose.

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NOTE.—The regulations referred to in this section are that licenses shall have paid ground rent, the dues on timber cut on the limit or berth, and survey charges, if any.

6th. The Commissioner of Crown Lands shall keep a Register of all Licenses granted or renewed, and of all transfers of such Licenses, and a copy of such register, with a plan of the Licensed limits, shall be kept by the Crown Timber Agent of the locality, and open to public inspection.

7th. All transfers of Timber Berths shall be made in writing, but shall be subject to the approval of the Commissioner of Crown Lands, to whom they shall be transmitted for approval or rejection, and they shall be valid only from the time of such approval to be expressed in writing.

NOTES.—In the case of an absolute transfer if all ground rent, dues and survey charges are paid, the transfer is approved as a matter of course. The approval is endorsed on transfer, and the parties to it notified. In the case of a conditional transfer, that is, where it is not to be completed until some future payment to be made, or for other reasons, which transfer the parties wish to have entered on record in the Crown Timber Office, Toronto, although the said transfer is noted in the transfer register, it being so noted does not act as a prohibition to the transferrer from selling the timber to other parties. In the case of a second sale, and the papers being forwarded for registration, the transferrer mentioned in second transfer would be advised that a conditional sale had been made.

#### FORM OF TRANSFER OF TIMBER LIMITS.

*To the Commissioner of Crown Lands, Toronto.*

SIR,—I hereby transfer all my right, title and interest (or part interest) in and to limit of license number \_\_\_\_\_ of season \_\_\_\_\_ and the berth described thereby to \_\_\_\_\_ of \_\_\_\_\_ and desire you to approve of such transfer.

8th. Timber Berths are to be described in new Licenses as "not to interfere with prior Licenses, existing or to be renewed in virtue of regulations." When the description of any berth or boundary, as given by any License, coincides with the description of any other licensed berth or territory, the license of more recent origin (tracing back only to the time when such license or any previous License, of which it is a renewal, was first granted), shall give way, and the Commissioner may amend or cancel such License wholly or in part, and substitute another in place thereof, so as to correct the description of the berth or limit intended to be licensed; and in all cases where any License has issued in error or mistake, or is found to be inconsistent with any other License, or inconsistent or incompatible with the regulations under which it was granted, the Commissioner of Crown Lands may cause it to be cancelled or amended, or he may refer all matters in dispute with refer



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ence to the boundaries and position of Timber limits to arbitration, each of the contending parties to choose one Arbitrator, and the Commissioner of Crown Lands shall appoint an Umpire, naming a day on or before which the award of such Arbitrators or of such Umpire shall be made and delivered to the parties, and such award shall be binding on them.

9th. Timber cut on limits for which License has been suspended or held in abeyance, shall be considered as having been cut without authority, and treated accordingly.

10th. Occupants, locatees or purchasers of Public Lands, who have not completed all the conditions of sale or location shall not, unless under Settler's License, or for clearing, fencing or building purposes on the said land, be permitted to cut timber or logs thereon, or to dispose of it to others. Persons found doing so shall be subject to the penalties established by law, for cutting timber on the Public Lands without authority.

NOTE.—A Settler's License is granted only to purchaser of public lands prior to 1st July, 1867.

11th. All Timber Licenses are to expire on the 30th of April next, after the date thereof, and all renewals are to be applied for and issued before the 1st of July following the expiration of the last preceding License, in default whereof the right to renewal shall cease, and the Berth or Berths shall be treated as forfeited.

NOTE.—Payment of ground rent, dues and survey charges, are considered sufficient application for renewal, as license is issued as a matter of course upon these payments being made without formal application. Should not the licensee pay his ground rent before the 1st of July of the season dating from the first of May, he will be charged interest at the rate of 7 per cent.

12th. No renewal of any License shall be granted unless or until the ground rent, and all costs of survey, and all dues to the Crown on Timber, Saw Logs or other Lumber cut under and by virtue of any License, other than the last preceding, shall have been first paid.

13th. All Timber Berths or limits shall be subject to an annual ground rent of \$2 per square mile, payable in advance before the issuing of any original License or renewal.

NOTE.—By Order in Council of 27th April, 1887, ground rent was raised to \$3.00 per square mile, to take effect after that date.

In addition to above, the following is a complete table of all dues payable on different kinds of timber:—

14th. All Timber, Saw Logs, Wood or other Lumber, cut under any License now in force, or under any License which may be hereafter granted, shall be subject to the payment of the following Crown dues, that is to say:—

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Black Walnut and Oak, per cubic foot.....	0	03
Elm, Ash, Tamarac and Maple, per cubic foot .....	0	02
Red and White Pine, Birch, Basswood, Cedar, Button- wood, and Cottonwood, and all Boom Timber, per cubic foot .....	0	01½
All other Woods.....	0	01
Red and White Pine, Basswood, Buttonwood, and Cottonwood, saw logs, per standard of 200 feet board measure .....	0	15
Walnut, Oak and Maple saw logs, per standard of 200 feet board measure .....	0	25
Hemlock, Spruce and other Woods, per standard of 200 board measure .....	0	10
All unmeasured cull Saw Logs to be taken at the aver- age of the lot, and to be charged for at the same rate.		
Staves, Pipe, per mile.....	7	00
do. West India, per mile .....	2	25
Cordwood (hard) per cord .....	0	20
do. (soft) do. ....	0	12½
Hemlock Tan Bark, per cord.....	0	30
Railway Timber, Knees, &c., to be charged 15 per cent. <i>ad valorem.</i>		

NOTE.—By Order in Council of 27th April, 1887, the Crown dues on pine timber cut after that date was raised to 2 cents per cubic foot.

NOTE.—By Order in Council of 27th April, 1887, Crown dues on Pine Saw Logs after that date, was raised to 20 cents per standard of 200 feet board measure.

[COPY.]

### PUBLIC NOTICE.

DEPARTMENT OF CROWN LANDS,

Toronto, 29th April, 1887.

PUBLIC notice is hereby given that, by Order in Council of 27th inst., the rate of ground rent on timber limits, or berths, is increased from two dollars to three dollars per square mile per annum, and that the dues on square and waney pine timber are increased from one cent and one-quarter to two cents per cubic foot; and the dues on pine saw logs are increased from seventy-five cents to one dollar per thousand feet, board measure. The increased ground rent to be payable on licenses to cut timber granted or renewed on and after the first day of May, 1887, and the increased dues on pine timber and pine saw logs to be payable on such pine timber and logs as may be cut after the date last above mentioned.

(Signed), T. B. PARDEE,

Commissioner.

15th. The duties on Timber shall be charged upon the quantities shewn by the specification of measurement at the office of the Supervisor of Cullers at Quebec, or that of the

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Deputy Supervisor of Cullers at Sorel or Montreal, or by other reliable measurement, but where such actual measurement cannot be obtained, each stick of White Pine Timber shall be estimated as containing 70 cubic feet, Red Pine as containing 38 cubic feet, Oak 50 feet, and Elm 45 feet, and all other wood as containing 34 cubic feet.

16th. All Licensees or occupants of Timber Berths shall furnish through themselves, their agents, cullers and foremen, to such agent or agents as the Commissioner of Crown Lands may appoint for that purpose, and at such time and place as such agent or agents may require, satisfactory proof upon oath as to the exact locality where all the Timber, Saw Logs and other Lumber in his or their possession were cut, giving the number of pieces and description of Timber, Saw Logs and other Lumber cut by themselves and others to their knowledge upon each of the Timber Berths held or occupied by him or them respectively, designating what quantity, if any, had been cut on settlers' lands, giving the names of such settlers, the name of the Township, and the number of each Lot and Concession, exhibiting at the same time for the inspection of such agent or agents, the books of count and measurement of such Timber, Saw Logs and other Lumber under his or their control respectively; and shall moreover furnish such agent or agents all required information and facilities to enable him or them to arrive at a satisfactory determination as to the quantity and description of Timber, Saw Logs and other Lumber made by him or them, or held in his or their possession respectively, on which Government dues are chargeable; and in the event of such agent or agents deeming it expedient to cause such Timber, Saw Logs and other Lumber to be counted or measured, the said Licensee or occupier of such Timber Berth, and his or their agents, cullers and foremen shall aid and assist in such count or measurement, but should such Licensee or occupier, or his or their agents, fail to comply with these conditions, such Licensee shall forfeit all right to a renewal of his License, and the berth and limit shall become vacant. And to enable persons who sell their timber under Settler's License to obtain their refund of dues, and Timber cut on Patented Lands to pass duty free, it will be necessary for the parties interested to prove, on oath taken before such agent or agents, and to his or their satisfaction, the number of pieces and description of Timber and Saw Logs cut on each lot respectively. And in the event of such proof being deemed unsatisfactory, the said agent or agents may determine the same by causing a strict count of the stumps to be made, and then certifying according to such count.

17th. The Commissioner of Crown Lands, or any authorized agent, shall at all times have free access to and be permitted to examine the books and memoranda kept by any Licensee shewing the quantity of Lumber in board measure sawn by him from logs cut on his Timber Berth or Berths, and failing to produce such books and memoranda when required so to do, will subject such Licensee to a forfeiture his right to a renewal of his License.

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18th. When any License-holder is in default for, or has evaded the payment of dues to the Crown on any part of his Timber or Saw Logs, such dues may be levied on any other Timber or Saw Logs belonging to such defaulter, cut under License, together with the dues thereon.

19th. Before moving any raft or parcel of Timber, Lumber, or Saw Logs from the Agency in which it has been cut, the owner or person in charge thereof, shall report the same to the Crown Timber Agent, making, if required, declaration upon oath as to where the said Timber was cut, the number of pieces and description of each kind of wood contained in such raft or parcel of Timber, and the number of cribs, stating at the same time the number and description of pieces cut on private lands, also on lands under Settler's License, giving the names of the owners or Licensees of such land, with the names of the Townships, and the number of each Lot and Concession, and should such Crown Timber Agent not be satisfied with the correctness of such report, he shall cause a strict count to be made of the Timber in such raft; and on being satisfied of the correctness of such report or count, the Crown Timber Agent may grant a clearance, in due form, for such raft, stating the number of pieces and description of Timber contained therein, distinguishing the Timber cut on private lands and under Settler's License, from that cut on the Crown Domain.

See page, *re* provisions Settler's License :—

"Timber being shipped by way of the St. Lawrence River and Quebec to any foreign country must first have a clearance from the Crown Timber Office, Toronto, if cut in the Western or Belleville Districts. If cut in the Ottawa District, from the Crown Timber Agent at Ottawa."

20th. The owner or holder of any such raft or parcel of Timber shall, within twenty-four hours after the same shall have arrived at its destination at Quebec, Sorel, Montreal or other port of sale or shipment, report the arrival of such raft to the Collector of Crown Timber dues, or if at Sorel or Montreal to the Deputy Supervisor of Cullers, and should the said raft be found by the specification of measurement to contain a greater number of pieces of Timber than is noted in the clearance, the surplus number of pieces, if not satisfactorily explained, shall be held as having been cut on Crown Lands without authority and subject to the payment of dues accordingly.

21st. Parties omitting to obtain their clearance at such agency, or omitting to report the arrival of such raft at its destination as above mentioned, may be refused further license, and may be subject to forfeiture of the timber for evasion of regulations, as provided in Cap. 23 of the Consolidated Statutes of Canada.

22nd. Persons evading or refusing the payment of timber dues, or the final settlement of bonds or promissory notes for the payment of such dues, or in default with the Crown Tim-



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ber Office or Agent; also persons taking forcible possession of disputed ground before obtaining decision in their favor, and persons refusing to comply with the decision of Arbitrators or of the Umpire, as provided by the 8th section of these Regulations, or with the Regulations established by Order in Council, or who forcibly interrupt surveyors in the discharge of their duty, shall be refused further Licenses, and their Berths shall be forfeited at the expiration of the then existing License.

23rd. Dues of all kinds on Timber cut under License remaining unpaid on the 30th November following the season in which it was cut, shall be subject to interest from that date, but without prejudice to the power of the Crown to enforce payment of such outstanding dues at any time the Commissioner of Crown Lands may think proper.

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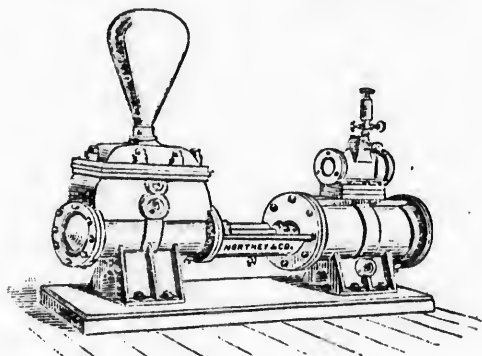
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**LOCAL SAW-MILL REGULATIONS.**

*How to obtain Grants of Timber for Local Saw Mills.*

DEPARTMENT OF CROWN LANDS,  
 TORONTO, 11th May, 1874.

**N**OTICE is hereby given that the Order in Council of 19th April, 1872, with respect to the withdrawal of Lots from Crown Timber Licenses for supply of timber to local mills has been rescinded, and the following Order and Regulations passed this date by His Excellency the Lieutenant-Governor in Council, substituted therefor:—

1st. A local mill to be entitled to a supply of timber from a holder of limits under license from the Crown, shall first have been declared by the Commissioner of Crown Lands entitled to such supply, and must be exclusively employed in the manufacture of lumber for local demand; that is, for the supply of all settlers who may resort to it for lumber for their legitimate use on the lands owned or occupied by them.

2nd. That it shall be incumbent on license-holders, as aforesaid, to supply with standing timber such local saw mill (or mills) as the Commissioner of Crown Lands may declare entitled thereto, on being notified by the Commissioner that such supply is required; the timber to be within a reasonable distance of the mill to be supplied or of a stream by which it

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might be conveyed thereto; or, in the event of a license-holder who has been called upon to furnish a mill with a supply of timber, having no standing timber on his licensed limits within a reasonable distance of such mill, or of a stream by which the timber might be conveyed thereto, the license-holder shall furnish the required supply at a point to be agreed upon between the mill-owner and the licensee of his agent, in logs cut and ready for sawing, the mill-owner to pay to the licensee (in addition to the rate hereinafter mentioned as payable for standing timber) the actual cost of cutting and drawing the logs so furnished.

3rd. The price to be paid by the owner of a local saw mill receiving a supply of standing timber, to the license-holder furnishing the same, to be at a rate not exceeding 30 cents per standard log.

4th. All disputes between a local saw-mill owner and a license holder, as to supply of timber, to be decided by the Commissioner of Crown Lands or any officer of his Department, or other person authorized by him, whose decision in each case shall be final; any expense incurred in arriving at such decision to be paid by the party against whom the decision is given.

5th. Should any proprietor of a local saw mill which has been declared entitled to receive a supply of timber to be manufactured into lumber for local consumption be proved to have disposed of the timber so supplied, or of the lumber manufactured therefrom, in any way, directly or indirectly, other than for the legitimate use of settlers on their lands as aforesaid, the right and authority of the Commissioner of Crown Lands to receive such supply shall be cancelled.

**NOTE.**—Applications for Grants of Timber from licensed limits for local saw mills are usually made upon petition of the residents of the district where such mill is required (but a plain application will do,) stating all facts that will tend to show that such mill is a necessity, and asking that a certain person shall be given the Grant. Upon receiving application or petition, the Commissioner of Crown Lands instructs an agent of the Department to proceed to the locality of the mill to make an inspection and report as to the advisability of granting such supply. If it is found that the mill in question is a long distance from other mills, and that it is in the interests of the settlers and public, and that it would be of great value and would advance the prosperity of the locality, the Grant is usually made.

The Grant is usually made from the limits of some licensee in the neighborhood of the mill, the annual amount granted being determined by the number of settlers and the capacity of the mill, the mill owner of course paying therefor the rate of dues the licensee is liable to the crown, viz: Two cents per cubic foot on square timber, and twenty cents per standard of 200 feet board measure on pine saw logs.

Grants to local mills are usually only given to mills in newly settled Townships.

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An Act respecting the Driving of Saw Logs and other Timber on Lakes, Rivers, Creeks and Streams.

1. The following words when used in this Act have the following meanings, viz.:—

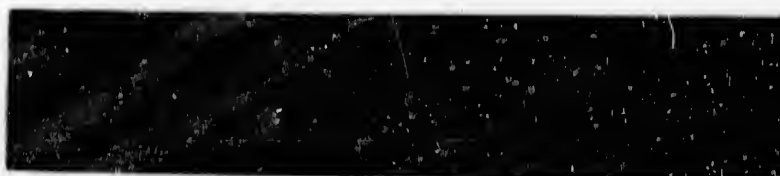
- (1) "Logs" mean and include saw logs, timber, posts, ties, cordwood, and other things being parts of trees.
- (2) "Water" means and includes lakes, ponds, rivers, creeks and streams.

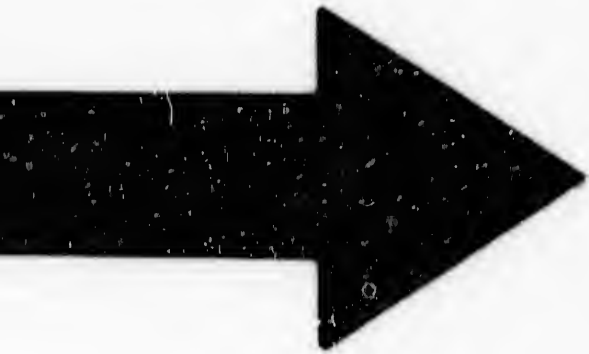
2. Any person putting, or causing to be put, into any water in this Province, logs, for the purpose of floating the same in, upon or down such water, shall make adequate provisions and put on a sufficient force of men to break, and shall make all reasonable endeavours to break jams of such logs and clear the same from the banks and shores of such water with reasonable despatch, and run and drive the same so as not to unnecessarily delay or hinder the removal, floating, running or driving of other logs, or unnecessarily obstruct the floating or navigation of such water.

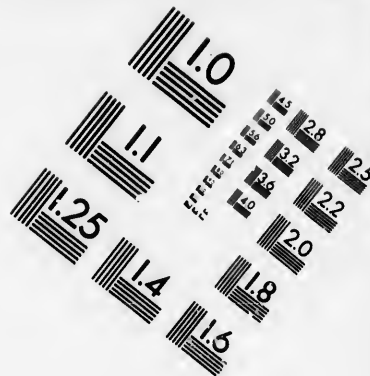
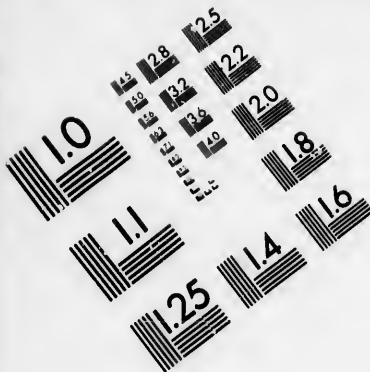
3. In case of the neglect of any person to comply with the provisions of the preceding section, it shall be lawful for any other person or persons desiring to float, run or drive logs in, upon or down such water, and whose logs would be thereby obstructed, to cause such jams to be broken and such logs to be cleared from the banks and shores of such water, and to be floated, run and driven in, upon and down such water.

4. The person or persons causing such jams to be broken or such logs to be cleared, floated, run or driven, pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs in the jam or so cleared, floated, run or driven for the reasonable charges and expenses of breaking the jams and the clearing, floating, running, driving, booming and keeping possession of such logs, and may take and keep possession of such logs, or so much thereof as may be reasonably necessary to satisfy the amount of such charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such charges and expenses, possession of the logs shall be given up.

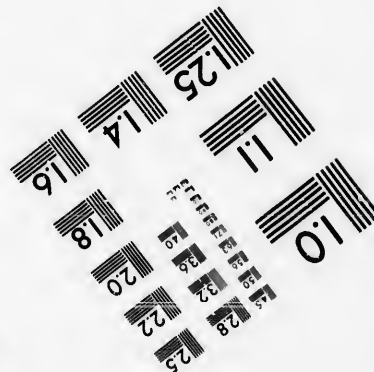
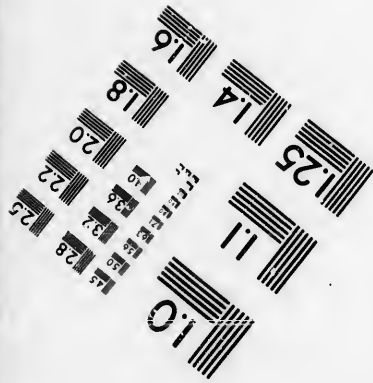
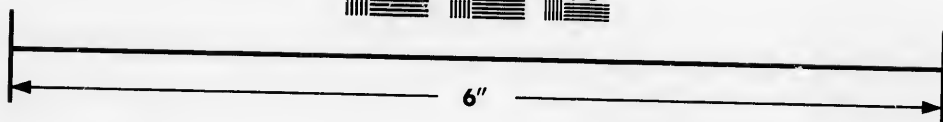
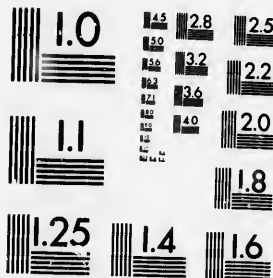








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5. When logs of any person upon or in any water in this Province, or the banks or shores of such water, are so intermixed with logs of another person or persons, that the same cannot be conveniently separated for the purpose of being floated in, upon or down such water, then the several persons owning or controlling the intermixed logs, shall respectively make adequate provisions, and put on a fair proportion of the men required to break jams of such intermixed logs, and to clear the same from the banks and shores of such water with reasonable despatch, and float, run and drive the same in, upon and down such water, and the costs and expenses thereof shall be borne by the parties in such proportions as they may agree upon, and in default of agreement, as may be determined by arbitration as hereinafter provided for.

6. In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person or persons whose logs are intermixed, to put on a sufficient number of men to supply the deficiency and break jams of such intermixed logs, and to clear the same from the banks and shores of such water, and to float, run and drive all such intermixed logs in, upon and down such water.

7. The person or persons supplying such deficiency and causing such jams to be broken, or such intermixed logs to be cleared, floated, run or driven pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs owned or controlled by the person guilty of such neglect, for a fair proportion of the charges and expenses of breaking the jams, and the clearing, floating, running, driving, booming and keeping possession of such intermixed logs; and may take and keep possession of such logs, or so much thereof as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

8. When logs of any person, upon or in any water in this Province, or the banks or shores of such water, are intermixed with logs of another person or persons, then any of the persons whose logs are intermixed, may at any time during the drive, require his logs to be separated from the other logs at some suitable and convenient place, and after such separation he shall secure the same at his own cost and expense, in such manner as to allow free passage for such other logs; provided that when any logs so intermixed reach the place of original destination, if known, the same shall be separated from the other logs and after such separation the owner shall secure the same at his own cost and expense.

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9. The several persons owning or controlling the intermixed logs shall respectively make adequate provisions and put on a fair proportion of the men required to make the separation; the cost and expense of such separation shall be borne by the parties in such proportions as they may agree upon, and in default of agreement, as may be determined by arbitration as hereinafter provided.

10. In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person or persons, whose logs are intermixed, to put on a sufficient number of men to supply the deficiency, and the logs owned by or controlled by the person guilty of such neglect shall be subject to a lien in favor of the person or persons supplying the deficiency, for a fair proportion of the charges and expenses of making the separation, and for the reasonable charges and expenses of booming and keeping possession, and such person or persons may take and keep possession of such logs or so much thereof as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

11. The security referred to in sections 4, 7 and 10 may be by bond in form A in the schedule hereto, or by deposit of money, or in such other way as the parties may agree upon.

12. If it be determined by arbitration, as hereinafter provided for, that any person acting under the assumed authority of this Act has, without just cause, taken possession of or detained, or caused to be taken possession of or detained, logs of another person, or has, after offer of security which the arbitrators may think should have been accepted, detained such logs, or has, through want of reasonable care, left logs of another person on the banks or shores, or has taken logs of another person beyond the place of their original destination contrary to the provisions of sections 4, 7 or 10, then such first mentioned person shall pay to such last mentioned person such damages as the arbitrators may determine.

13. The lien given by sections 4, 7 and 10 of this Act shall be subject to the lien (if any) of any person or corporation for tolls or dues for the use of any works or improvements made use of in running or driving such logs.

14. Nothing in this Act shall affect the liens or rights of the person or persons owning or in respect of any logs.

15. All claims, disputes and differences arising under this Act shall be determined by arbitration as hereinafter provided and not by action or suit at law or in equity.

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16. The person claiming that another person has not complied with the provisions of this Act, or claiming payment of any charges or expenses under this Act, or claiming a lien upon any logs, or claiming damages under section 12, shall give to such other person notice in writing stating the substance of the claims made, and appointing an arbitrator, and calling upon such other person to appoint an arbitrator within ten days after the service of such notice; if such other person does not within such ten days appoint an arbitrator the Judge of the County or District Court of the county or district, or the Stipendiary Magistrate of the provisional county or the district, as the case may be, in which the logs in connection with which the claim or part of the claim is made, or the major portion of such logs are situate at the time of the service of such notice, shall, on the application of the person giving such notice, appoint a second arbitrator; the two arbitrators so appointed shall within ten days after the appointment of the said second arbitrator appoint a third; if such two arbitrators do not within such ten days appoint a third, the said Judge or Stipendiary Magistrate shall, on the application of either party, appoint such third arbitrator.

17. If any arbitrator refuses to act or becomes incapable of acting, or dies, and the parties do not concur in appointing a new arbitrator, the said Judge or Stipendiary Magistrate shall, on the application of either party, appoint such new arbitrator.

18. The parties may agree that the arbitration shall be by one arbitrator instead of by three, and they may either agree upon the arbitrator or may apply to the said Judge or Stipendiary Magistrate to appoint one.

19. The person on whom a claim is made and notice of arbitration served may at any time before the arbitration is entered upon or, with leave of the arbitrators, during the arbitration, give the claimant notice in writing by way of counter claim, stating the substance of any claim arising under this Act which such person may have against the claimant, and such counter claim, unless barred under section 26, shall be determined in the arbitration and an award made with respect thereto.

20. The three arbitrators, or the sole arbitrator, as the case may be, shall proceed with the arbitration with due despatch, and shall make their or his award in writing, under their or his hand within thirty days from the date of the appointment of such arbitrator, or the last of such three arbitrators, as the case may be. The parties may, by consent in writing, from time to time enlarge the time for making said award, or the said Judge or Stipendiary Magistrate may from time to time, either before or after the expiration of said time, enlarge the time for making said award.

21. The arbitrators or arbitrator may require the personal attendance and examination upon oath of the parties and their witnesses and the production of all books and documents relating to the matters in question, and may determine by

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whom the expense of the arbitration, and the costs of the parties shall be paid, and the amount thereof; any costs or expenses payable to a person having a lien upon logs, by virtue of this Act shall be added to the amount of such lien.

22. Chapter 64 of the Revised Statues of Ontario intituled *An Act respecting the costs of Arbitrations* applies to arbitrations under this Act.

23. The person or persons having a lien upon logs by virtue of this Act, may sell the same in order to realize the amount of such lien, and of the costs, charges and expenses connected with the sale. The arbitrators, or arbitrator, shall determine either by their award or by separate document the time, place and manner of such sale, and may, from time to time, give directions, in writing, respecting such sale, and the realization of such lien, and of the costs, charges and expenses connected therewith.

24. The award and directions, in writing, of any two of the three arbitrators, or of the sole arbitrator, as the case may be, shall be final and binding upon and shall be obeyed by the parties, and shall be valid notwithstanding any want or defect of form or other technical objection.

25. The said Judge or Stipendiary Magistrate, as the case may be, may, on the application of either party, grant an order to compel any person or persons to attend and give evidence upon the arbitration and to produce all books and documents relating to the matters in dispute, and obedience to such order may be enforced in the same way as obedience to any order of such Judge or Stipendiary Magistrate made in a cause or matter pending before him in court may be enforced, and the person neglecting or refusing, without lawful excuse, to obey such order shall be liable to an action by any person aggrieved by such neglect or refusal for the damages sustained by him thereby.

26. All claims arising under this Act shall be made by notice in writing under section 16, within one year after the same have arisen, otherwise they shall be barred.

27. The Lieutenant-Governor in Council may from time to time by proclamation published in the *Ontario Gazette* declare that any portion or portions of this Province or any water therein shall, until further proclamation, be exempt from the operation of this Act, and thereupon the same shall be exempt accordingly.

28. Any portion or portions of the Province, or any water therein exempted by proclamation from the operation of this Act, may by proclamation published in the *Ontario Gazette*, be again brought within its operation until farther proclamation, and so on from time to time.

29. This Act may be cited and known as *The Saw Logs Driving Act, 1887*.

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## SCHEDULE.

## FORM A.

Know all men by these presents that we (*here insert names of obligors, being the owner of the logs and at least one sufficient surety; or, if the signature of the owner cannot be obtained without unreasonable delay, then being two sureties*) , are held and firmly bound unto A. B. (*here insert the name of the person claiming the lien*) in the penal sum of (*double the amount of the claim*) \$ , to be paid to the said A. B., his executors, administrators and assigns, for which payment well and truly to be made, we, and each of us, bind ourselves, and each of us our and each of our executors and administrators jointly and severally, firmly by these presents, sealed with our seals, and signed by us this day of , A.D. 18 .

Whereas the said A. B., claiming to act under the authority of *The Saw Logs Driving Act, 1897*, has taken possession of certain (*saw logs, timber, etc., as the case may be*) owned or controlled by , and claims a lien thereon for the sum of \$ , under the provisions of section (4, 7 or 10, *as the case may be*) of the said Act.

And whereas this bond is given as security for payment to the said A. B., of such sum as he may be held entitled to by arbitration pursuant to the said Act, and of any costs and expenses of the arbitration which may become payable to him.

Now the condition of the above obligation is such that if the said , his executors or administrators do pay to the said A. B., his executors, administrators or assigns, such sum as may be determined by arbitration pursuant to the said Act, to be payable to the said A. B., his executors, administrators or assigns, for charges and expenses under section (4, 7 or 10, *as the case may be*) of the said Act, and also such sum as may become payable to the said A. B., his executors, administrators or assigns for costs and expenses of such arbitration, then the above obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered  
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## An Act for Protecting the Public Interest in Rivers, Streams and Creeks.

1. All persons shall, subject to the provisions in this Act contained, have, and are hereby declared always to have had, during the spring, summer and autumn freshets, the right to, and may float and transmit saw-logs and all other timber of every kind, and all rafts and crafts, down all rivers, creeks and streams; and no person shall by felling trees or placing any other obstruction in or across any such river, creek or stream, prevent the passage thereof; and in case it may be necessary to remove any obstruction from such river, creek or stream, or construct any apron, dam, slide, gate-lock, boom, or other work therein or thereon, necessary to facilitate the floating and transmitting such saw-logs and other timber, rafts or crafts, down the same, then it shall be lawful for the person requiring so to float and transmit such saw-logs and other timber, rafts and crafts, and it is hereby declared always to have been lawful to remove such obstruction, and to construct such apron, dam, slide, gate-lock, boom or other work necessary for the purposes aforesaid, doing no unnecessary damage to the said river, creek or stream, or to the banks thereof. R. S. O. 1877, c. 115, s. 1; 47 V. c. 17, s. 1.

2. In case there is a convenient apron, slide, gate, lock, or opening in any such dam or other structure made for the passage of saw-logs and other timber, rafts and crafts authorized to be floated down such stream as aforesaid, no person using any such stream in manner and for the purposes aforesaid, shall alter, injure or destroy any such dam or other useful erection in or upon the bed of or across the stream, or do any unnecessary damage thereto or on the banks thereof. R. S. O. 1877, c. 115, s. 2.

3. Except in the case of round or square timber, or of trees, masts, staves, deals, boards or other sawed or manufactured lumber or saw-logs, prepared for transportation to a market, every person and every employer of such person, who cuts and fells any trees into the Grand River, the River Thames, River Nith, River Speed, Otter Creek, the River Credit, the River Otonabee from Sturgeon Lake to Rice Lake, the River Scugog, the River Trent from Rice Lake to the Bay of Quinte, Crow River, the Rivers Gananoque, Rideau, Petite Nation, Tay, Mississippi, Bonnechere, Madawaska and Goodwood in Ontario, or upon such parts of the banks thereof as are usually overflowed in the autumn or spring of the year by the rising of the water of the said rivers or creek, and who does not lop off the branches of such trees and cut up the trunks thereof into lengths of not more than eighteen feet, before they are allowed to be floated or cast into the said rivers or streams shall for every such offence forfeit and pay a penalty not exceeding ten dollars. R. S. O. 1877, c. 115, s. 3.



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4. Subject to any jurisdiction of the Dominion of Canada in this behalf and to any Acts passed in the exercise of such jurisdiction—in case a person throws, or in case an owner or occupier of a mill suffers or permits to be thrown, into any river, rivulet or water-course, excepting those hereinafter mentioned, slabs, bark, waste stuff or other refuse of any saw-mill (except saw-dust), or stumps, roots, shrubs, tan-bark or waste wood, or leached ashes; or in case a person fells, or causes to be felled, in or across such river, rivulet or water-course, timber or growing or standing trees, and allows the same to remain in or across such river, rivulet or water-course, he shall incur a penalty not exceeding \$20 and not less than twenty cents for each day during which the obstruction remains in, over, or across such river, rivulet or water-course, over and above all damages arising therefrom. R. S. O. 1877, c. 115, s. 4.

5. This Act shall not apply to a dam, weir or bridge erected in or over such river, rivulet or water-course, or to anything done *bona fide* in or for erecting the same, or to any tree cut down or felled across such river, rivulet or water-course, for the purpose of being used as a bridge from one side thereof to the other; provided such trees do not impede the flow of water or the passing of rafts. R. S. O. 1877, c. 115, s. 5.

6. This Act shall not extend to the River St. Lawrence, nor to the River Ottawa, nor to any river, or rivulet wherein salmon, pickerel, black bass or perch, do not abound. R. S. O. 1877, c. 115, s. 6.

7. No such obstruction happening without the wilful default of any party, or in the *bona fide* exercise of his rights, shall subject him to any fine or forfeiture unless upon default to remove the obstruction after notice and reasonable time afforded for that purpose. R. S. O. 1877, c. 115, s. 7.

8. All fines, penalties, forfeitures and damages under this Act, when not together exceeding \$20, may respectively, upon the oath of one credible witness, be recovered with costs, in a summary way in the manner provided by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*, before any one or more of the Justices of the Peace for the county in which the offence has been committed, and unless the conviction is appealed from, if the fine or penalty and damages (as the case may be), together with the costs, are not paid at the time stated in the conviction, the convicting Justice or Justices, or one of them, when more than one, shall issue his or their warrants of distress to levy the same out of the goods and chattels of the offender; and in case there are not sufficient goods and chattels found to satisfy the same, and in case the offender does not otherwise satisfy the amount within three days after conviction, then such Justice or Justices (as the case may be) shall by warrant under hand and seal commit the offender to the common goal of the county in which he has been convicted, for the term of ten days in case the conviction is under section

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3 of this Act, or thirty days in case the conviction is under section 4 of this Act, unless the fine, penalty or forfeiture and damages (as the case may be), and costs are sooner paid. R. S. O. 1877, c. 115, s. 8.

9. Of pecuniary penalties levied under this Act, one-third shall go to the informer, and the other two-thirds shall be paid to the treasurer of the municipality in which the offence was committed, and shall be expended in improving the public highways therein. R. S. O. 1877, c. 115, s. 9.

10. In case of damages to private property arising out of a violation of this Act, such damages may, at the request of the party aggrieved, be assessed by the convicting Justice or Justices, and included in the conviction, when such damages, together with the fine or penalty imposed, do not together exceed \$20; and in case damages are assessed the same shall be paid to the party aggrieved, except in cases where he has been examined in proof of the offence, in which case the same shall be applied to the improvement of the public highways in the municipality as above provided. R. S. O. 1877, c. 115, s. 10.

11. In case any person shall construct in or upon such river, creek or stream, any apron, dam, slide, gate, lock, boom or other work necessary to facilitate the floating or transmission of saw-logs or other timber, rafts or crafts down such river, creek or stream, which was not navigable or floatable before the improvements were made, or shall blast rocks or remove shoals or other impediments, or otherwise improve the floatability of the river, creek or stream, such person shall not have the exclusive right to the use of the river, creek or stream, or to the constructions and improvements; but all persons shall have during the spring, summer and autumn freshets, the right to float and transmit saw-logs and other timber, rafts and crafts, down such rivers, creeks or streams, and through and over the constructions and improvements, doing no unnecessary damage to the constructions and improvements, or to the banks of the said rivers, creeks or streams, subject to the payment to the person who has made the constructions and improvements, of reasonable tolls. 47 V. c. 17, s. 2.

12. Sections 1 and 11 of this Act and all the rights therein given, and all the provisions therein made and contained, shall extend and apply to all rivers, creeks and streams mentioned in section 1 of this Act, and to all constructions and improvements made therein or thereon, whether the bed of the river, creek or stream, or the land through which the same runs, has been granted by the Crown or not, and if granted by the Crown shall be binding upon the grantees, their heirs, executors, administrators and assigns. 47 V. c. 17, s. 3.

13. The Judge of the County Court of the county or Stipendiary Magistrate of the judicial district, as the case may be, in which the constructions and improvements are situated shall, upon application of the owner thereof, or of any person who may desire to use the same, fix the amounts which any

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person entitled to tolls under this Act shall be at liberty to charge, and may from time to time vary such amounts; and the Judge or Stipendiary Magistrate in fixing the tolls shall have regard to and take into consideration the original cost of the construction and improvements, the amount required to maintain the same and to cover interest upon the original cost, as well as such other matters as under all the circumstances may seem just and equitable. 47 V. c. 17, s. 4.

14. The Judge or Stipendiary Magistrate shall have the same and like powers as to compelling the attendance and examination of witnesses, the production of documents and otherwise, as are possessed by him or by a County Court, in any cause, action, matter, or other proceeding, carried on or pending in a County Court. 47 V. c. 17, s. 5.

15. In case a party interested is dissatisfied with the order or judgment of the Judge or Stipendiary Magistrate, he may within fifteen days from the date thereof appeal from the order or judgment to a Judge of the Court of Appeal, and the Judge to whom the appeal is made shall determine the time within which the appeal shall be set down to be heard, the security to be given by the appellant, and the persons upon whom notice of the appeal shall be served, the manner of service, and all such other matters as he may deem necessary for the most speedy and least expensive determination of the matter of the appeal. 47 V. c. 17, s. 6.

16. If the appeal is not set down to be heard within the time limited for that purpose, or if the other conditions imposed are not complied with, the appeal shall be deemed to have been abandoned. 47 V. c. 17, s. 7.

17. The costs of the appeal shall be in the discretion of the Judge to whom the appeal is had; and the practice and proceedings upon the appeal shall, except so far as may be by the Judge to whom the appeal is made otherwise provided, be similar to the practice and proceedings upon appeals from county courts. 47 V. c. 17, s. 8.

18. The foregoing provisions of this Act shall apply to all such constructions and improvements as may hitherto have been made, as well as to such as may be in course of construction, or shall hereafter be constructed. 47 V. c. 17, s. 9.

19. Every person entitled to tolls under this Act shall have a lien upon the saw-logs or other timber passing through or over such constructions or improvements for the amount of the tolls, such lien to rank next after the lien (if any) which the Crown has for dues in respect to such logs or timber, and if the tolls are not paid, any Justice of the Peace having jurisdiction within or adjoining the locality in which the constructions or improvements are, shall, upon the oath of the owner of the constructions or improvements, or upon the oath of his agent, that the just tolls have not been paid, issue a warrant for the seizure of such logs or timber, or so much thereof as will on

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sufficient to satisfy the tolls, which warrant shall be directed to any constable, or any person sworn in as a special constable for that purpose, at the discretion of the magistrate, and shall authorize the person to whom it is directed, if the tolls are not paid within fourteen days from the date thereof, to sell, subject to the lien of the Crown (if any) for dues, the said logs or timber, and out of the proceeds to pay such tolls, together with the cost of the warrant and sale, rendering the surplus on demand to the owner: Provided always that the authority to issue such warrant by such Justice of the Peace shall not exist after the expiration of one month from the time of the passage of the logs or timber through or over any of such constructions or improvements. 47 V. c. 17, s. 10.

20. Nothing in this Act contained shall be construed as interfering with the powers or rights of any company formed under the *The Act respecting Joint Stock Companies for the construction of works to facilitate the transmission of Timber down Rivers and Streams*, or with mill-dams, or the right to erect and maintain mill-dams on streams; and *The Act respecting Mills and Mill-dams* and any other law conferring rights in mill-dams shall remain the same as if this Act had not been passed. 47 V. c. 17, s. 11.

21. All persons driving saw-logs or other timber, rafts or crafts, down any such river, creek or stream shall have the right to go along the bank of such river, creek or stream, and to assist the passage of the timber over the same by all means usual amongst lumbermen, doing no unnecessary damage to the banks of the river, creek or stream. 47 V. c. 17, s. 12.

22. Every person entitled to tolls under this Act may make rules and regulations for the purpose of regulating the safe and orderly transmission of saw-logs, timber, rafts and crafts over or through such constructions or improvements; but no such rules or regulations shall have any force or effect until approved of by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may revoke and cancel such rules and regulations so made and approved, and from time to time approve of new rules and regulations which the person so entitled to tolls as aforesaid, shall have the power to make. 47 V. c. 17, s. 13.

23.—(1) Where in any action or other proceeding, any person shall claim, and but for this section would be entitled to, an injunction against the owner or occupier of any saw mill situate on or near the Ottawa River or any of its tributaries, for any injury or damage, direct or consequential, sustained by such person, or for any interference directly or indirectly with any rights of such person as riparian proprietor or otherwise, by reason or in consequence of the throwing or depositing of any sawdust or other mill refuse into the said river or its tributaries from the mill, or from such mill together with other mills, the Court or Judge may refuse to grant an injunction in the action or other proceeding, in case it is proved to the satisfaction of the Court or Judge by the person against whom the action is claimed that, having regard to all the circumstances,



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it is, on the whole, proper and expedient not to grant the same, and for that purpose shall take into consideration the importance of the lumber trade to the locality wherein the injury, damage or interference takes place, and the benefit and advantage, direct and consequential, which such trade confers on the locality and on the inhabitants thereof, and shall weigh the same against the private injury, damage or interference complained of ;

(2) Or the Court or Judge may grant an injunction to take effect after such lapse of time or upon such terms or conditions or subject to such limitations or restrictions as to the Court or Judge may seem proper ;

(3) Or may in lieu of granting an injunction direct the person against whom the injunction is claimed to take such measures or perform such acts to prevent, avoid, lessen or diminish the injury, damage or interference complained of, as to the Court or Judge may seem proper ;

(4) Provided always that in such action or other proceeding the person claiming the injunction shall nevertheless be entitled to damages against the owner or occupier of the saw mill for any such injury, damage or interference. 48 V. c. 24, s. 1.

(5) In cases where damage from the same cause continues the party may apply from time to time, in the same action, for the assessment of subsequent damages, or any other relief to which by subsequent events he may from time to time become entitled. 49 V. c. 16, s. 48.

24. The preceding section of this Act shall apply whether the said injury, damage or interference is a continuing one or not, and whether the person claiming any such injunction is plaintiff in the said action or other proceeding, or is a defendant therein proceeding by way of counter-claim ; but the said section shall not apply where, in the opinion of the Court or Judge the injury, damage or interference complained of is of such a nature that the same cannot be adequately compensated for by the awarding of damages. 48 V. c. 24, s. 2.

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## An Act respecting the Marking of Timber.

## 83 VIC., CAP. 36.

1. Every person engaged in the business of lumbering or getting out timber, and floating or rafting the same on the inland waters of Canada within the Provinces of Ontario and Quebec, shall, (subject to a penalty of fifty dollars for failure or neglect so to do) within six months after the passing of this Act, and every person engaging in the business of lumbering or getting out timber, and floating or rafting the same on the inland waters of Canada within the Provinces of Ontario and Quebec, after the passing of this Act shall, (subject to a penalty of fifty dollars for failure or neglect so to do) within one month after he shall engage therein, select a Mark or Marks, and having caused such mark or marks to be registered in the manner hereinafter provided, shall put the same in a conspicuous place on each log or piece of timber so floated or rafted.
2. The Minister of Agriculture shall cause to be kept in his office a book to be denominated the "Timber Mark Register," in which any person engaged in the business of Lumbering as aforesaid, may have his Timber Mark registered by depositing with the Minister a drawing or impression and description in duplicate of such Timber Mark, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof; and the Minister, on receipt of the fee hereinafter provided, shall cause the said Timber Mark to be examined, to ascertain whether it resembles any other Mark already registered; and if he finds that such Mark is not identical with or does not so closely resemble as to be confounded with any other Timber Mark already registered, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or his Deputy, to the effect that the said Mark has been duly registered in accordance with the provisions of this Act; and there shall be further stated in such certificate the day, month and year of the entry thereof, in the proper Register; and every such certificate shall be received in all Courts of Law or of Equity in Canada, as evidence of the facts herein alleged, without proof of the signature.
3. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make rules and regulations and adopt forms for the purposes of this Act.
4. The party who registers such Timber Mark shall thereafter have the exclusive right to use the same, to designate the timber got out by him and floated or rafted as aforesaid.
5. Any person having registered a Timber Mark may petition for the cancellation of the same, and the Minister of Agriculture may, on receiving such petition, cause the said Mark to be can-

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celled ; and the same shall, after such cancellation be considered as if it had never been registered under the name of the said party.

6. Every Timber Mark registered in the office of the Minister of Agriculture shall be assignable in law, and on the assignment being produced, and the fee hereinafter provided being paid, the Minister of Agriculture shall cause the name of the assignee, with the date of the assignment and such other details as he may see fit, to be entered on the margin of the Register of Timber Marks on the folio where such Mark is registered.

7. If any person makes application to register, as his own, any Timber Mark, which has been already registered, the Minister of Agriculture shall notify the fact to such person, who shall then select some other Mark and forward the same for registration.

8. If any person other than the party who has registered the same, shall mark any timber of any description with any mark registered under the provisions of this Act, or with any part of such Mark, he shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit, for each offence, a sum not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such Mark, together with the costs incurred in enforcing and recovering the same : Provided always, that every complaint under this section shall be made by the proprietor of such timber mark, or by some one acting on his behalf and duly authorized thereto.

9. The following fees shall be payable, to wit :

On every application to register a timber mark, including certificate.....	\$2.00
For each certificate of registration not already provided for.....	0.50
For each copy of any drawing, the reasonable expenses of preparing the same.	
For recording an assignment.....	1.00

And such fees shall be paid over by the Minister of Agriculture to the Receiver General, and form part of the Consolidated Revenue Fund of Canada.

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## An Act to preserve Forests from destruction by Fire.

1. The Lieutenant-Governor may, by proclamation to be made by him from time to time, issued by and with the advice and consent of the Executive Council, declare any portion or part of the Province of Ontario to be a fire district. 41 V. c. 23, s. 1.

2. Every proclamation under this Act shall be published in the *Ontario Gazette*; and such portion or part of the Province as is mentioned and declared to be a fire district in and by the said proclamation, shall, from and after the said publication, become a fire district within the meaning and for the purposes of this Act. 41 V. c. 23, s. 2.

3. Every portion or part of the Province mentioned in the proclamation shall cease to be a fire district upon the revocation by the Lieutenant-Governor in Council of the proclamation by which it was created. 41 V. c. 23, s. 3.

4. It shall not be lawful for any person to set out, or cause to be set out or started, any fire in or near the woods within any fire district between the 1st day of April and the 1st day of November in any year, except for the purpose of clearing land, cooking, obtaining warmth, or for some industrial purpose; and in cases of starting fires for any of the above purposes, the obligations and precautions imposed by the following sections shall be observed. 41. V. c. 23, s. 4.

5. Every person who shall, between the 1st day of April and the 1st day of November, make or start a fire within a fire district for the purpose of clearing land, shall exercise and observe every reasonable care and precaution in the making and starting of such fire, and in the managing of and caring for the same after it has been made and started, in order to prevent the fire from spreading and burning up the timber and forests surrounding the place where it has been so made and started. 41 V. c. 23, s. 5.

6. Every person who shall, between the 1st day of April and the 1st day of November, make or start within such a district a fire in the forest, or at a distance of less than half-a mile therefrom, or upon any island, for cooking, obtaining warmth, or for any industrial purpose, shall—

(1) Select a locality in the neighborhood in which there is the smallest quantity of vegetable matter, dead wood, branches, brushwood, dry leaves, or resinous trees;

(2) Clear the place in which he is about to light the fire by removing all vegetable matter, dead trees, branches, brushwood, and dry leaves from the soil within a radius of ten feet from the fire;



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(3) Exercise and observe every reasonable care and precaution to prevent such fire from spreading, and carefully extinguish the same before quitting the place. 41 V. c. 23, s. 6.

7. Any person who shall throw or drop any burning match, ashes of a pipe, lighted cigar or any other burning substance, or who shall discharge any fire-arm within such fire district, shall be subject to the pains and penalties imposed by this Act if he neglect completely to extinguish before leaving the spot the fire of such match, ashes of a pipe, cigar, wadding of the fire-arm or other burning substance. 41 V. c. 23, s. 7.

8. Every person in charge of any drive of timber, survey or exploring party, or of any other party requiring camp-fires for cooking or other purposes, within a fire district, shall provide himself with a copy of this Act, and shall call his men together and cause the Act to be read in their hearing, and explained to them at least once in each week during the continuance of such work or service. 41 V. c. 23, s. 8.

9. All locomotive engines used on any railway which passes through any fire district or any part of a fire district, shall, by the company using the same, be provided with and have in use all the most approved and efficient means used to prevent the escape of fire from the furnace or ash-pan of such engines, and the smoke-stack of each locomotive engine so used shall be provided with a bonnet or screen of iron or steel wire netting, the size of the wire used in making the netting to be not less than number nineteen of the Birmingham wire gauge, or three sixty-fourth parts of an inch in diameter, and shall contain in each inch square at least eleven wires each way at right angles to each other, that is in all twenty-two wires to the inch square. 41 V. c. 23, s. 9.

10. It shall be the duty of every engine driver in charge of a locomotive engine passing over a railway within the limits of any fire district, to see that all such appliances as are above mentioned are properly used and applied, so as to prevent the unnecessary escape of fire from any such engine as far as it is reasonably possible to do so. 41 V. c. 23, s. 10.

11. Whosoever unlawfully neglects or refuses to comply with the requirements of this Act in any manner whatsoever, shall be liable, upon a conviction before any Justice of the Peace, to a penalty not exceeding \$50 over and above the costs of prosecution, and in default of payment of such fine and costs the offender shall be imprisoned in the common gaol for a period not exceeding three months; and any railway company permitting a locomotive engine to be run in violation of the provisions of section 9 of this Act shall be liable to a penalty of \$100 for each offence, to be recovered with costs in any Court of competent jurisdiction. 41 V. c. 23, s. 11.

12. Every action for any contravention of this Act shall be commenced within three months immediately following such contravention. 41 V. c. 23, s. 12.

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13. All fines and penalties imposed and collected under this Act shall be paid one-half to the prosecutor and the other half to Her Majesty for the public use of the Province. 41 V. c. 23, s. 13.

14. It shall be the special duty of every Crown Land agent, woods and forest agent, free grant agent and bush ranger to enforce the provisions and requirements of this Act, and in all cases coming within the knowledge of any such agent or bush ranger to prosecute every person guilty of a breach of any of the provisions and requirements of the same. 41 V. c. 23, s. 14.

15. Nothing in this Act contained shall be held to limit or interfere with the right of any party to bring and maintain a civil action for damages occasioned by fire, and such right shall remain and exist as though this Act had not been passed. 41 V. c. 23, s. 15.

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#### Description of "Fire Districts" Under Cap. 23 of the Statutes of Ontario.

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*District No. 1.*—Commencing at a point on the north shore of Lake Huron where Provincial Land Surveyor Albert P. Salter's meridian line between ranges numbers twenty-one and twenty-two west intersects the water's edge, said point being the south-west angle of the Township of Plummer; thence easterly, following the turnings and windings of the shore along the water's edge of Lake Huron and the Georgian Bay to the mouth of the French River; thence south-easterly, along the easterly shore of the Georgian Bay, and taking in Parry Island to the north-west angle of the Township of Matchedash; thence south-easterly along the westerly boundaries of the Townships of Matchedash and North Orillia to the south-west angle of North Orillia; thence north easterly along the southerly boundary of North Orillia to the waters of Lake Couchiching; thence easterly across said lake to the south-west angle of the Township of Rama; thence easterly along the south boundaries of the Townships of Rama, Dalton, Digby and Lutterworth to the north-west angle of the Township of Galway; thence southerly along the westerly boundaries of the Townships of Galway and Harvey to the south-west angle of Harvey; thence easterly along the south boundaries of the Townships of Harvey, Burlington, Methuen, Lake and Tudor, to the north-west angle of the Township of Elzevir, thence southerly along the west boundary of Elzevir to the south-west angle of said Township; thence easterly along the south boundaries of the Townships of Elzevir, Kaladar, Kennebec, Olden, Oso and South Sherbrooke, to the south-east angle of the Township of South Sherbrooke; thence north-westerly along the easterly boundaries of the Town-

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ships of South and North Sherbrooke to the southerly boundary of the Township of Levant; thence north-easterly along the southerly boundaries of the Townships of Levant and Darling, to the south-easterly angle of the Township of Darling; thence north-westerly along the easterly boundaries of the Townships of Darling and Bagot, to the north-easterly angle of the Township of Bagot; thence south-westerly along the northerly boundaries of the Townships of Bagot and Blithfield, to the easterly boundary of the Township of Brougham; thence north-westerly along the easterly boundaries of the Townships of Brougham, Grattan, Wilberforce and Alice, to the waters of the Upper Allumette Lake; thence north-westerly, following the water's edge of said lake and the Ottawa River to the head of the Lake Temiscamangué; thence due north along the boundary between the Provinces of Ontario and Quebec, to the northern boundary of the Province of Ontario; thence westerly along the said northern boundary to its intersection with the production northerly of Provincial Land Surveyor Albert P. Salter's meridian line between the said ranges numbers twenty-one and twenty-two west, and thence southerly along said meridian line produced to the place of beginning.

*District No. 2.*—All that part of the said Province lying west of Provincial Land Surveyor Albert P. Salter's meridian line between ranges twenty-one and twenty-two west, near Bruce Mines, in the District of Algoma, and west of the said meridian line produced, to the northern boundary of the Province, the said meridian line being the western boundary of the Fire District established by the Proclamation of March 27th, 1878.

Under this Act during the period from 1st of May to 1st of October in each year, upon application of any licensee of Crown Timber Limits, the Commissioner of Crown Lands will appoint any man or men recommended by them to be placed on such of their limits as are exposed to danger from fire, reserving the right to limit or reject. These men are called Bush and Fire Rangers, and are empowered and instructed to use every endeavor to prevent and suppress fires in every way possible, and are authorized to engage whatever help may be necessary to cope with dangerous fire where prompt action is necessary. They are also instructed to post copies of the Fire Act up in conspicuous places and to explain the provisions, &c., of the Act to the residents of the limit and in every way to endeavor to have the provisions of the Act carried out.

The limit holder bears one-half of the cost of men and expenses which may be incurred by the Rangers appointed under this Act.

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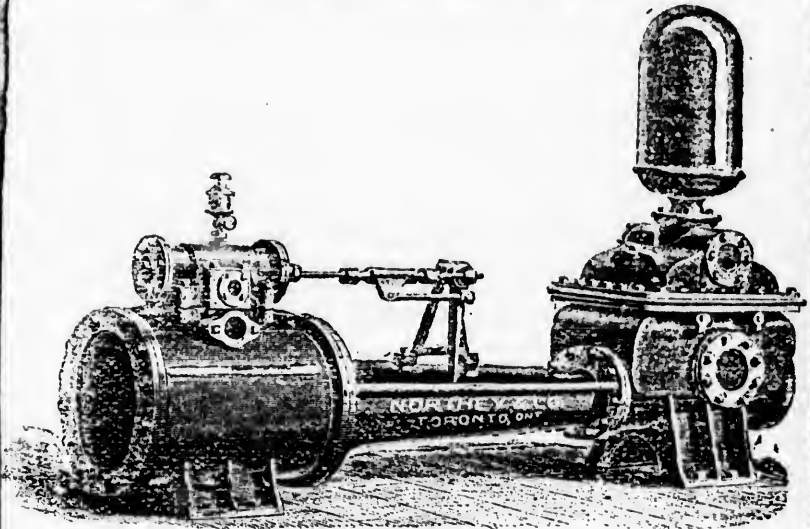
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## SPECIAL STEAM PUMP

For General Water Supply and Mining Purposes, &c.



NORTHEY & CO., TORONTO, ONT.

## THE MINING ACT.

1. This Act may be cited as "*The General Mining Act.*"  
R. S. O. 1877, c. 29, s. 1.

2. Where the following words occur in this Act, and in Orders in Council, or regulations under it, they shall be construed in a manner hereinafter mentioned unless a contrary intention appears:—

(1) The verb "mine," and the participle "mining," shall mean and include any mode or method of working whatsoever, whereby the soil, or earth, or any rock, stone or quartz may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed, or otherwise dealt with for the purpose of obtaining any metal or metals therefrom, whether the same may have been previously disturbed or not.

(2) "Mines" shall mean and include all rocks, soils or strata containing any metal or metals, and all places where the work of mining, as above defined, may be carried on.

(3) "Mining Division" shall mean and include any tract of country declared to be a Mining Division within this Act.

(4) "Crown Lands" shall mean and include all Crown Lands, School Lands or Clergy Lands, not in the actual use or occupation of the Crown; or of any public department of the Gov-



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ernment of the Dominion of Canada or of this Province, or of any officer or servant thereof, and not under lease or license of occupation from the Crown or the Commissioner of Crown Lands, and as to which no adverse claim exists, which is subsequently recognized by the Commissioner of Crown Lands.

(5) "Party wall" shall mean a bank of earth or rock left between two excavations. R. S. O. 1877, c. 29, s. 2.

3. All royalties, taxes or duties which, by any patent or patents heretofore issued, have been reserved, imposed or made payable upon, or in respect of any ores or minerals extracted from the lands granted by such patents, and lying within this Province, are hereby repealed and abandoned; and such lands, ores and minerals shall henceforth be free and exempt from every such royalty, tax or duty. R. S. O. 1877, c. 29, s. 3.

4. Reservations of gold and silver mines contained in any patent heretofore issued, granting in fee simple land or lands situate within this Province, are hereby rescinded and made void, and all such mines in or upon such lands shall be deemed to have been granted in fee simple as part of such lands, and to have passed with such lands to the subsequent and present proprietors or owners thereof in fee simple. R. S. O. 1877, c. 29, s. 4.

5. No reservation or exception of gold, silver, iron, copper or other mines or minerals shall be inserted in any patent from the Crown granting lands in this Province sold as mining lands. R. S. O. 1877, c. 29, s. 5.

6. Any person or persons may explore for mines or minerals on any Crown Lands, surveyed or unsurveyed, and not for the time being marked or staked out and occupied as hereinafter mentioned. R. S. O. 1877, c. 29, s. 6.

7. Crown Lands supposed to contain mines or minerals may be sold as mining lands, or may, when situate within a Mining Division, be occupied and worked as "mining claims" under miners' licenses, as hereinafter provided. R. S. O. 1877, c. 29, s. 7.

8. Such lands so sold, when situate in unsurveyed territory, or in Townships surveyed in sections, shall be sold in blocks to be called "mining locations." R. S. O. 1877, c. 29, s. 8.

9. Mining locations under this Act shall conform to the following requirements:—

(1) In the unsurveyed territory to the north or north-west of the River Mattawan, Lake Nipissing and the French River, including the territory bordering upon Lakes Huron and Superior, and the River St. Mary, every regular mining location shall be rectangular in shape, and the bearings of the outlines thereof shall be due north and south and due east and west astronomically; and such location shall be of one of the following dimensions, namely, eighty chains in length by forty

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chains in width, containing three hundred and twenty acres, or forty chains square, containing one hundred and sixty acres, or forty chains in length by twenty chains in width, containing eighty acres.

(2) Where a mining location in the unsurveyed lands in the territory aforesaid, borders upon a lake or river, a road allowance of one chain in width shall be reserved along the margin of the lake or river; and the width of the location shall front on the road allowance; and the bearings of the other outlines of the location shall be due north and south, and due east and west astronomically; and the location shall otherwise conform to the requirements of the preceding sub-section as nearly as the nature of the land will admit.

(3) In the townships in the said territory surveyed, or hereafter to be surveyed in sections, every mining location, after such survey, shall consist of a half section, a quarter section, or an eighth of a section.

(4) In all patents for mining locations in the territory aforesaid, there shall be a reservation for roads of five per centum of the quantity of land professed to be granted.

(5) In the unsurveyed lands not situate within the limits of the territory aforesaid, mining locations shall be as may be defined by any Order in Council hereafter to be made. R.S.O. 1877, c. 29, s. 9.

10. Mining locations in unsurveyed territory shall be surveyed by a Provincial Land Surveyor, and be connected with some known point in previous surveys, or with some other known point or boundary (so that the tract may be laid down on the office maps of the territory in the Crown Lands Department), at the cost of the applicants, who shall be required to furnish, with their application, the surveyor's plan, field notes and description thereof, shewing a survey in accordance with this Act, and to the satisfaction of the Commissiouer of Crown Lands. R. S. O. 1877, c. 29, s. 10.

11. The price of all Crown Lands to be sold as mining locations in the said territory, mentioned in sub-section 1 of section 9 of this Act, shall be \$2 per acre R. S. O. 1877, c. 29, s. 11; 49 V. c. 8, s. 1.

12. The patent for all Crown Lands, hereafter to be sold as mining lauds, shall contain a reservation of all pine trees standing or being on the said lands, which pine trees shall continue to be the property of Her Majesty; and any person now or hereafter holding a license to cut timber or saw logs on such lands, may, at all times, during the continuance of the license, enter upon such lands, and cut and remove such trees, and make all necessary roads for that purpose; but the patentees, or those claiming under them, may cut and use such trees as may be necessary for the purpose of building, fencing and fuel, on the land so patented, or for any other purpose essential to the working of the mines thereon; and may also cut and dispose of all trees required to be removed

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in actually clearing the land for cultivation ; but no pine trees (except for the said necessary building, fencing and fuel, or other purpose essential to the working of the mine), shall be cut beyond the limits of such actual clearing; and all pine trees so cut and disposed of (except for the said necessary building, fencing and fuel, or other purpose aforesaid), shall be subject to the payment of the same dues as are at the time payable by the holders of licenses to cut timber or saw logs. R. S. O. 1877, c. 29, s. 12.

13. The Lieutenant-Governor in Council may, from time to time by Order in Council, declare such tract of country as may be described in and by the Order in Council a " Mining Division ;" and by any other subsequent Order or Orders in Council may, from time to time, extend, add to or diminish the limits of the Division, or may otherwise amend, or may cancel such Order in Council ; and, from and after the publication in the *Ontario Gazette* of such Order in Council, the Mining Division therein mentioned and described, and all mines on Crown Lands situate in the Division, shall be subject to the provisions of this Act, and to any regulations to be made under this Act. R. S. O. 1877, c. 29, s. 13.

14. The Lieutenant-Governor may appoint, for every Mining Division, or for any part thereof, an Inspector, who shall be under the direction of the Commissioner of Crown Lands, and, by Order in Council, may prescribe the duties and fix the salary of such Inspector. R. S. O. 1877, c. 29, s. 14.

15.—(1) Every Inspector shall be *ex officio* a Justice of the Peace of the County or United Counties, District or Districts, which a Mining Division comprehends or includes, in whole or in part, or in which, or in any portion of which, a Mining Division lies ; and it shall not be necessary that he shall possess any property qualifications whatever in order to enable him lawfully to act as such Justice of the Peace.

(2) Every Inspector shall have jurisdiction as a Justice of the Peace over all the territory comprised within the Division for which he is appointed, and shall have power to settle summarily all disputes between licensees as to the existence or forfeitures of mining claims, and the extent and boundary thereof, and as to the use of water and access thereto, and generally to settle all difficulties, matters or questions between licensees which may arise under this Act; and the decision of such Inspector, in all cases under this Act, shall be final, except where otherwise provided by this Act, or where another tribunal is appointed under the authority of this Act; and no case under this Act shall be removed into any court by writ of *certiorari*. R. S. O. 1877, c. 29, s. 15.

16.—(1) The Inspector of a Mining Division may, on payment to him of a fee of \$5, grant to the party applying for the same, a license to be called a "miner's license."

(2) Every miner's license shall be in force for one year from the date thereof, and shall not be transferable; and only one person shall be named therein, who shall be called the licensee, and who, before the expiration of the license, or within

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not later than ten clear days thereafter, shall have the right to a renewal of the license by the Inspector of the Division, on payment to him of the like fee of \$5, or such other sum as may then be the fee fixed by law for miners' licenses.

(3) A miner's license may be in the following form:—

PROVINCE OF ONTARIO.

No.	(Name of Division.)	Mining Division.	\$5.
(Date)			18 .

Miner's License—Not Transferable.

Issued to *A. B.*, under the provisions of *The General Mining Act*, to be in force for one year from the date thereof.

*C. D.*, Inspector of

Mining Division.

R. S. O. 1877, c. 29, s. 1.

17. A miner's license shall authorize the licensee personally and not through another, to mine during one year from the date of the license, and from the date of any renewal thereof, on any mining claim marked or staked out by such licensee on Crown Lands as hereinafter provided; but any person or persons not occupying any other mining claim, may be employed by the licensee to assist him in working such claim. R. S. O. 1877, c. 29, s. 17.

18. The licensee shall have the right to mark or stake out within the Division mentioned in his license, a mining claim on any Crown Lands (not for the time being included in a mining claim occupied by another licensee), by planting a wooden or iron picket at each of the four corners thereof, or otherwise marking the same as may be directed by Order in Council, and to work the same. R. S. O. 1877, c. 29, s. 19.

19. Each mining claim shall be of the following dimensions, namely:—

- (1) For one person, two hundred feet along a vein or lode by one hundred feet on each side thereof, measuring from the centre of the vein or lode.
- (2) Companies of two or more persons who each hold a miner's license, may stake out and work additional feet along a vein or lode by the above width in the proportion of one hundred additional feet in length for every additional miner, not to exceed one thousand feet in length altogether, and may work the claim jointly. R. S. O. 1877, c. 29, s. 19.

20. Mining claims shall be laid out, as far as possible, uniformly, and in quadrilateral and rectangular shapes; and the measurements of all such claims shall be horizontal; and the ground included in every claim shall be deemed to be bounded under the surface by lines vertical to the horizon; except that every mining claim shall include and shall authorize the licensee to work every dip, spur and angle of the vein or lode laterally to the depth to which the same can be worked, with all the earth and minerals therein. R. S. O. 1877, c. 29, s. 20.

21. Every Inspector appointed under this Act shall keep a



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book for the recording therein of mining claims, which book shall be open to inspection by any person on payment of a fee of twenty cents; and every licensee who has marked or staked out a mining claim under this Act, shall within thirty days thereafter give a notice thereof in writing to the Inspector of the Division, stating the name of the licensee, and indicating by some general statement therein, the locality of the mining claim, and shewing how and when the same was marked or staked out; and the Inspector shall thereupon forthwith record the particulars of the notice in the book; and if the licensee fails to give notice within the time aforesaid the mining claim so marked or staked out shall be deemed to be forfeited and abandoned, and all right of the licensee therein to cease. R. S. O. 1877, c. 29, s. 21.

22. A mining claim shall also be deemed to be forfeited and abandoned, and all right of the licensee therein to cease, in case the mining claim remains unworked for the space of three months after the same has been first marked or staked out as aforesaid, or if the same at any time, after the expiration of three months, remains unworked for the space of fifteen days; Provided, however, that in case it is shewn to the satisfaction of the Inspector of the Division, either before the expiration of the respective periods aforesaid, or within fifteen days thereafter, that the non-working of such claim arose from the illness of the licensee, or other reasonable cause satisfactory to the Inspector, he may extend the time during which the mining claim may remain unworked for such further period of time as he thinks reasonable, and may in like manner, thereafter, for reasonable cause established to his satisfaction, grant further extensions of the time during which the claim may remain unworked without being liable to forfeiture; and the Inspector shall forthwith enter in the said book all enlargements or extensions of the time granted by him. R. S. O. 1877, c. 29, s. 22.

23. No mining claim within a Division shall be considered unworked, within the meaning of the last section, during the time that an Order in Council directs that work on mining claims within such Mining Division may be suspended. R. S. O. 1877, c. 29, s. 24.

24. No person shall occupy at the same time more than one mining claim on Crown Lands, except in the cases hereinafter provided for of registration of claims rendered temporarily unworkable. R. S. O. 1877, c. 29, s. 24.

25. Every licensee shall be held and required to produce and exhibit his license to the Inspector for the Division, and to prove to the satisfaction of the Inspector, that the license is in force, whenever required to do so by him. R. S. O. 1877, c. 29, s. 25.

26. The discoverer of a new mine shall be entitled to two mining claims of the area prescribed by sub-section 1 of section 19 of this Act. R. S. O. 1877, c. 29, s. 26.

27. No person shall be considered the discoverer of a new mine unless the place of the alleged discovery is distant, if on a known vein or lode, at least three miles from the nearest

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known mine on the same vein or lode. R. S. O. 1877, c. 29, s. 27.

28. A party wall of at least three feet thick shall be left between every mining claim on Crown lands, which party wall shall be used in common by all parties as a mode of access to the stream, where one exists; and the party wall shall not be obstructed by any person throwing soil, stone or other material thereon; and every person so obstructing the party wall, shall be liable to a fine of not more than \$5 and costs; and, in default of payment of the fine and costs, to be imprisoned for any period not more than one month. R. S. O. 1877, c. 29, s. 28.

29. If at any time it is found necessary or expedient to remove a party wall as aforesaid, the person so removing it shall, if required so to do, construct a new mode of access to the water in no wise more difficult as an approach than the one destroyed by the removal of the party wall, under a like penalty, as provided in the next preceding section; and in case of a removal of a party wall, the minerals found therein shall belong to the owners of the adjoining claims, each of whom shall own the half next to his claim. R. S. O. 1877, c. 29, s. 29.

30. No person mining upon Crown lands shall cause damage or injury to the holder of any other claim than his own, by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing water which may be pumped or bailed or may flow from his own claim to flow into or upon such other claim, under a penalty of not more than \$5 and costs; and, in default of payment of the fine and costs, he may be imprisoned for any period not more than one month. R. S. O. 1877, c. 29, s. 30.

31. In case a mining claim on Crown lands occupied by a licensee cannot be worked in consequence of an excess of water or other unavoidable cause, established to the satisfaction of the Inspector for the Division, the Inspector shall, on the application of the licensee, and on receipt of \$1, make an entry in the book, to be kept by him as aforesaid, of the cause or reason for the claim not being worked; and thereupon and upon the licensee planting a wooden or iron picket as near the centre of the claim as possible, upon which is cut or painted his name or initial letters of his name, the licensee may occupy and work another mining claim; but, in case the licensee does not return and occupy the first mentioned claim within fifteen days after the adjacent or surrounding claim or claims have been shewn to be workable, he shall forfeit all right and title to the said claim. R. S. O. 1877, c. 29, s. 31.

32. Any person found removing or disturbing, with intent to remove, any stake, picket, or other mark placed under the provisions of this Act, shall forfeit and pay a sum not exceeding \$20 and costs; and in default of payment of the fine and costs may be imprisoned for any period not exceeding one month. R. S. O. 1877, c. 29, s. 32.

33. Every Inspector appointed in and for a Mining Division under this Act may appoint any number of constables not ex-

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eeding four ; and the persons so from time to time appointed shall be, and they are hereby constituted, respectively, constables and peace officers for the purposes of this Act, for and during the term, and within the Mining Divisions, for which they are appointed respectively. R. S. O. 1877, c. 29, s. 33.

34.—(1) The Lieutenant-Governor in Council may, as often as occasion requires, declare by proclamation that he deems it necessary that *The Act respecting Riots near Public Works* shall, so far as the provisions herein are applicable, be in force within any Mining Division or Divisions ; and upon, from, and after the day to be named in any such proclamation ; section 1 and sections 3 to 11 inclusive of the said Act shall, so far as the provisions thereof can be applied therein, take effect within the Mining Division or Mining Divisions designated in the proclamation ; and the provisions of the said Act shall apply to all persons employed in any mine, or in mining within the limits of such Mining Division or Divisions, as fully and effectually to all intents and purposes as if the persons so employed had been specially mentioned and referred to in the said Act.

(2) The Lieutenant-Governor in Council may, in like manner, from time to time declare the said Act to be no longer in force in such Mining Division or Divisions ; but this shall not prevent the Lieutenant-Governor in Council from again declaring the same to be in force in such Mining Division or Mining Divisions ; and no such proclamation shall have effect within the limits of any City. R. S. O. 1877, c. 29, s. 34.

35. The Lieutenant-Governor in Council may, from time to time, make such regulations as he deems necessary or expedient, for the appointment of arbitrators or Mining Boards to hear and determine appeals from the decisions of Inspectors of Divisions ; for the prescribing, defining and establishing the powers, duties and mode of procedure of the arbitrators or Mining Boards ; for the opening, construction, maintenance and using of roads through or over mining claims, mining locations or lands hereafter sold as mining lands ; and for the opening, construction, maintenance and using of ditches, aqueducts or raceways, through or over such claims, locations or lands for the conveyance and passage of water for mining purposes, and generally for the purpose of carrying out this Act ; and such regulations, after publication in the *Ontario Gazette*, shall have the force and effect of law. R. S. O. 1877, c. 29, s. 35.

36. Every person contravening this Act, or any rule or regulation made under it, in any case where no other penalty or punishment is imposed, shall, for every day on which such contravention occurs or continues or is repeated, incur a fine of not more than \$20 and costs ; and, in default of payment of the fine and costs, he may be imprisoned for a term of not more than one month. R. S. O. 1877, c. 29, s. 36.

37. Every Inspector for a Mining Division may convict upon view of any of the offences punishable under the provisions of this Act, or any regulations made under it. R.S.O. 1877, c. 29, s. 37.

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38. The contravention on any day of any of the provisions of this Act, or of any regulation made under it, shall constitute a separate offence and may be punished accordingly. R.S.O. 1877, c. 29, s. 38.

39. Fees, penalties and fines received under this Act, and the costs of all such convictions as take place before any Inspector or Magistrate appointed under this Act, shall form part of the Consolidated Revenue Fund of this Province, and be accounted for and otherwise dealt with accordingly; and the expenses of carrying this Act into effect, in any Mining Division or Mining Divisions, shall be paid by the Lieutenant-Governor out of the said Consolidated Revenue Fund. R.S.O. 1877, c. 29, s. 39.

40. The Inspector of any Mining Division, or any two Justices of the Peace, having jurisdiction in the locality, may try and summarily convict any person guilty of any offence under this Act, or of any breach of the provisions hereof, to which any fine or penalty, or forfeiture of money is attached, and shall have all the powers of Justices of the Peace under *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions*; but this section shall not be construed to give jurisdiction to try or summarily convict for any breach of the provisions of the next section of this Act. R. S. O. 1877, c. 29, s. 40.

41. No Inspector, appointed under this Act, shall, either directly or indirectly, while he is Inspector, purchase or be or become proprietor of, or interested in, any Crown Lands or mining claim within the Division for which he is Inspector; and any such purchase or interest shall be void; and if an Inspector offends in the premises, he shall forfeit his office and the sum of \$500 for every such offence, to be recovered in an action by any person who sues for the same. R. S. O. 1877, c. 29, s. 41.

Form of Affidavit to be filed in the Department of Crown Lands to obtain a Mining Patent.

Ontario: ) E,.....of the  
DISTRICT OF ..... ) Township of.....  
To Wit: ) in the District of.....  
and I..... ) and I.....

of the Township of..... in the  
District of..... do solemnly  
swear.

1.—That on the..... day of  
..... I personally  
visited and carefully examined.....  
..... Lot No.....

in the..... Concession of  
the Township of..... and at that  
time there was no person residing on said lot, and there were no  
improvements thereon.

2.—That there was no visible trace nor indication of work hav-  
ing been done on said lot by any person or persons for mining or  
other purposes.



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3.—And that to the best of my knowledge and belief there is no claim to said lot by any person or persons adverse to that of.....  
.....the applicant on the ground of priority of discovery of mineral thereon, or otherwise.

Sworn before me at..... }  
in the district of ..... }  
this.....day of..... }  
A.D. 18 .....

Notes to Mining Act.

Applications to purchase land under the Mining Act should be made direct to the Department, and should be accompanied by the purchase money, together with the affidavit of one credible and disinterested party, showing that the land is unoccupied and unimproved (except by or on behalf of the applicant) and that there is no claim thereto adverse to his on the ground of occupation, improvements or otherwise.

The Mining Act given above refers to where licenses are obtained from the Government to merely mine, but any person can purchase any lands in the Mining Districts by paying at the rate of \$2.00 per acre, cash, for the amount taken up, upon filing affidavits (give Form R), which gives them an absolute right to mine and they also own the land—the timber upon it, of course, being subject to section 12 of the above Act. Or any person in the Free Grant Districts may locate the land, and by putting the improvements upon it required by the Department, *i. e.*, will, at the end of five years, become absolute owner with ~~out~~ right to minerals, and, of course, subject to sections *re* Timber.

In estimating the value of mineral lands, such lands and the buildings thereon shall be valued and estimated at the value of other lands in the neighborhood for agricultural purposes, but the income derived from any mine or mineral work shall be subject to taxation in the same manner as other incomes under the Assessment Act. See Assessment Act, page 2,097 R. S. O.

Sec. 11 of chapter 143 Revised Statutes of Ontario, relating to restrictions on and relief against forfeiture of leases, does not extend, in case of a mining lease, to a covenant or condition for allowing the lessor to have access to or inspect books, accounts, records, weighing machines, or other things, or to enter or inspect the mine or the workings thereof.

A "Mining Lease" is a lease for mining purposes, that is, the searching for, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or license for mining purposes.

The corporation of any township or county whereever minerals are found, may sell or lease by public auction, or otherwise, the right to take minerals found upon, or under any roads over which the township or county may have jurisdiction if considered expedient so to do.

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No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighborhood of such road for at least one month previous to the time fixed for considering the by-law.

The deed of conveyance or lease to the purchaser or lessee under the by-law shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. See Municipal Act, page 1,960, R. S. O.

Specimens of the ores, minerals and other products of any mine now being worked in this Province, shall, on request, be furnished by the respective owners of such mines for the School of Practical Science and Museums, and the owners, in case of refusal to furnish such specimens, shall be liable to a fine not exceeding \$50 in each case of refusal. Page 2,531 R. S. O., chap. 232.

### An Act Respecting the Construction of Roads by Mining Companies.

1. The proprietors of any mine in Ontario may construct a gravel or macadamized road or a tramway from their mines to the nearest navigable waters or railway or highway, and may take any land required for right of way and stations at a fair valuation, under the provisions of sections 13 to 20, inclusive of *The Railway Act of Ontario* in that behalf, headed "Lands and their valuation," which shall apply to such proprietors, but the said gravel or macadamized road or tramway shall not exceed twenty miles in length. R. S. O. 1877, c. 156, s. 1.

2. The proprietors of any mine holding lands in fee simple having a frontage of one mile or upwards on any navigable lake, river or stream, may :

(1) Construct harbours, wharves, piers and other erections thereon, at the bank of such lake, stream or river, for the accommodation of all kinds of steamers, vessels and craft ;

(2) Make rules and regulations for the government and arrangement of such wharves and harbours ;

(3) Impose and levy, according to a tariff to be by them adopted for that purpose, and which may from time to time be altered and amended, reasonable wharfage, and harbour dues and fines for the infraction of such rules and regulations. R. S. O. 1877, c. 156, s. 2.

3. No such rules, regulations or tariff shall be of any force or effect until sanctioned or approved of by the Lieutenant-Governor, and no fine thereby imposed shall exceed \$20 for any one offence, and such fines shall be recoverable in a summary way before any two Justices of the Peace, as if imposed by Act of the Legislature. R. S. O. 1877, c. 156, s. 3.

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4. Any mining company, or the proprietors of any mine, may improve and render navigable for the transport of freight to and from the mine, any water course or water courses, or may construct a channel of communication between navigable water courses, that may be necessary for the full and proper development thereof, for the more advantageous working of the mine, and the conveyance of freight to and from the same. But every mining company or the proprietors shall be liable to indemnify all persons who may thereby suffer injury to their property or rights. R. S. O. 1877, c. 156, ss. 4, 5.

5. For the purposes aforesaid, the mining company, or proprietors of any mine, may enter into and upon the lands of Her Majesty, or of any person or persons, body corporate or otherwise, for the purposes and subject to the conditions aforesaid, and may survey and take levels of the same or any part thereof found necessary and proper for the construction of tramways, or for making channels of water communication or improving the navigation of any water course or water courses. R. S. O. 1877, c. 156, s. 6.

6. No beach, lot, or land covered with water, or other public property, shall be taken under this Act without the consent of the Lieutenant-Governor in Council, and then only upon such terms and conditions as he thinks proper. R.S.O. 1877, c. 156, s. 7.

7. No harbour or river improvement shall be made under this Act, or any property taken therefor, so as to interfere with the navigation of the harbour or river or until the proposed plan and extent thereof, and of the works therewith connected have been submitted to and approved by the Lieutenant-Governor in Council; but the plan may afterwards be altered and extended with such consent and approval. R. S. O. 1877, c. 156, s. 8.

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#### Sections in Railway Act, Chap. 170, R. S. O., Relating to Mining.

The company shall not be entitled to any mines of iron, slate, or other minerals under any land purchased by them except only such parts thereof as shall be necessary to be dug or carried away, or used in the construction of the works, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby. 47 V. c. 30, s. 2.

If the owner, lessee, or occupier of any mines or minerals lying under the railway or any of the works connected therewith or within the prescribed distance, or, where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee or occupier shall give to the

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company notice in writing of his intention so to do thirty days before the commencement of working, and upon the receipt of the notice it shall be lawful for the company to cause the mines to be inspected by any person appointed by them for the purpose, and if the company show to the satisfaction of the Commissioner of Public Works that the working of the mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for the mines or any part thereof to the owner, lessee or occupier thereof, then he shall not work or get the same; and if the company and the owner, lessee or occupier do not agree as to the amount of the compensation the same shall be settled as in other cases of disputed compensation under this Act. 47 V. c. 30, s. 3.

If before the expiration of such thirty days the company do not state their willingness to treat with the owner, lessee or occupier for the payment of the compensation, it shall be lawful for him to work the said mines or any part thereof for which the company shall not have agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate, and if any damage or obstruction be occasioned to the railway or works by improper working of the mines the same shall be forthwith repaired or removed, as the case may require, and the damage made good by the owner, lessee or occupier of the mines or minerals and at his own expense; and if the repair or removal be not forthwith done, or if the company shall so think fit without waiting for the same to be done by the owner, lessee or occupier, it shall be lawful for the company to execute the same and recover from the owner, lessee or occupier the expense occasioned thereby by action in any Court of competent jurisdiction. 47 V. c. 30, s. 4.

If the working of such mines under the railway, or works, or within the above mentioned distance therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees and occupiers of such mines, and whose mines shall extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata, the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway, or water level shall be cut or made without first procuring the consent in writing of the Commissioner of Public Works of the Province; nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon. 47 V. c. 30, s. 5.

The company shall, from time to time, pay the owner, lessee, or occupier of any such mines extending so as to lie on both sides of the railway all such additional expenses and losses as shall be incurred by the owner, lessee, or occupier by reason of the severance of the lands lying over such mines by the railway, or of the continuous working of such mines being interrupted as aforesaid, or by reason of the same being worked in such man-



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ner and under such restrictions as not to prejudice or injure the railway, and for any minerals not purchased by the company which cannot be obtained by reason of making and maintaining the railway; and if any dispute or question shall arise between the company and such owner, lessee, or occupier as aforesaid, touching the amount of such losses or expenses, the same shall be settled by arbitration under this Act. 47 V. c. 30, s. 6.

For better ascertaining whether any such mines are being worked, or have been worked, so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, or are so supposed to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked or about so to be. 47 V. c. 30, s. 7.

If the owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall, for every such refusal, forfeit to the company a sum not exceeding \$100. 47 V. c. 30, s. 8.

If it appear that any such mines have been worked contrary to the provisions of the preceding seven sections, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the railway and preventing injury thereto; and if after such notice such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works, and recover the expenses thereof from the owner, lessee, or occupier by action in any Court of competent jurisdiction. 47 V. c. 30, s. 9.

### An Act for the protection of Game and Fur-bearing Animals.

1. None of the animals or birds hereinafter mentioned shall be hunted, taken or killed, within the periods hereinafter limited.

(1) Deer, elk, moose, reindeer or caribou between the twentieth day of November and the fifteenth day of October; but the period hereinbefore limited shall not, as to moose, elk, reindeer or caribou, apply before or until the fifteenth day of October, 1895, and no moose, elk, reindeer or caribou shall be hunted, taken or killed between the first day of April, 1888, and the fifteenth day of October, 1895,

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(2) Grouse, pheasants, prairie fowl or partridge, between the first day of January and the first day of September ;

(3) Quail or wild turkeys, between the fifteenth day of December and the fifteenth day of October : but no wild turkey shall be hunted, taken or killed before the fifteenth day of October, 1889 ;

(4) Woodcock, between the first day of January and the fifteenth day of August ;

(5) Snipe, rail and golden plover, between the first day of January and the first day of September ;

(6) Swans or geese, between the first day of May and the first day of September ;

(7) Ducks of all kinds, and all other water fowl, between the first day of January and the first day of September ;

(8) Hares, between the fifteenth day of March and the first day of September. 49 V. c. 45, s. 2, and 51 V. c. 36.

2. No person shall have in his possession any of the said animals or birds, no matter where procured, or any part or portion of any such animals or birds, during the periods in which they are so protected ; provided that they may be exposed for sale for fifteen days, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking or purchasing, shall be on the person so in possession. 49 V. c. 45, s. 3.

3. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time. 49 V. c. 45, s. 4.

4. None of the said animals or birds, except the animals mentioned in section 6 of this Act, shall be trapped, or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances ; nor shall such traps, nets, snares, gins, baited lines or contrivances be set for them, or any of them, at any time ; and such traps, nets, snares, gins, baited lines, or contrivances, may be destroyed by any person without such person thereby incurring any liability therefor. 49 V. c. 45, s. 5.

5. None of the contrivances for taking or killing the wild fowl, known as swans, geese or ducks, which are described or known as batteries, swivel guns or sunken punts, shall be used at any time, and no wild fowl, known as ducks, or other water fowl, except geese or swans, shall be hunted, taken or killed, between the expiration of the hour next after sunset and the commencement of the hour next before sunrise. 49 V. c. 45, s. 6.

6. No beaver, mink, muskrat, sable, martin, otter or fisher shall be hunted, taken or killed, or had in possession of any person between the first day of May and the first day of November ; nor shall any traps, snares, gins, or other con-

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trivances, be set for them during such period; nor shall any muskrat house be cut, speared, broken or destroyed, at any time; and any such traps, snares, gins, or other contrivances so set, may be destroyed by any person without such person thereby incurring any liability therefor: Provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property. 49 V. c. 45, s. 7.

7. Offences against this Act shall be punished upon summary conviction on information or complaint before a Justice of the Peace as follows:

- (a) In cases of deer, elk, moose, reindeer or caribou, by a fine not exceeding \$50, nor less than \$10, with costs, for each offence;
- (b) In case of birds or eggs, by a fine not exceeding \$25, nor less than \$5, with costs, for each bird or egg;
- (c) In case of fur-bearing animals, mentioned in section 6 of this Act, by a fine not exceeding \$25, nor less than \$5, with costs, for each offence;
- (d) In case of other breaches of this Act, and where no other penalty therefor is by this act provided, by a fine not exceeding \$25, nor less than \$5, with costs. 49 V. c. 45, s. 8, and 51 V. c. 36

8. The whole of such fine shall be paid to the prosecutor unless the convicting Justice has reason to believe that the prosecution is in collusion with, and for the purpose of benefiting the accused, in which case the said Justice may order the disposal of the fine as in ordinary cases. 49 V. c. 45, s. 9.

9. In all cases confiscation of game shall follow conviction, and the game so confiscated, shall be given to some charitable institution or purpose, at the discretion of the convicting Justice. 49 V. c. 45, s. 10.

10. In order to encourage persons who have heretofore imported or hereafter import different kinds of game, with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may be bred. 49 V. c. 45, s. 11.

11. It shall not be lawful for any person to kill or take any animal protected by this Act, by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances, in any place or locality, where dogs or cattle may have access to the same. 49 V. c. 45, s. 12.

12.—(1) No person shall at any time hunt, take or kill any deer, elk, moose, reindeer or caribou, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer or caribou, as aforesaid, so hunted, taken or killed, is not intended to be exported as aforesaid, shall be upon the person hunting, killing

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or taking the same, or in whose possession or custody the same may be found.

(2) Offences against this section, shall be punished by a fine not exceeding \$25, nor less than \$5 for each animal. 49 V. c. 45, s. 13.

13. No owner of any hound, or other dog known by the owner to be accustomed to pursue deer, shall permit any such hound, or other dog, to run at large in any locality where deer are usually found, during the period from the fifteenth day of November to the fifteenth day of October, under a penalty on conviction, of not more than \$25, nor less than \$5, for each offence; any person harboring or claiming to be the owner of any such hound or dog shall be deemed the owner thereof. 49 V. c. 45, s. 14.

14. It shall be lawful for the council of any county, city, town, township, or incorporated village, to appoint an officer who shall be known as the game inspector for such county, city, town, township or incorporated village, who shall perform such duties in enforcing the provisions of this Act, and be paid such salary as may be mutually agreed upon. 49 V. c. 45, s. 15.

15.—(1) It shall be the duty of every game inspector appointed as aforesaid, forthwith to seize all animals or portions of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a Justice of the Peace, to answer for such illegal possession.

(2) It shall also be the duty of every game inspector, to institute prosecutions against all persons found infringing the provisions of this Act, or any of them, and every inspector may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk or receptacle in which he has reason to believe that game killed or taken during the close season, or peltries out of season are hidden.

(3) Every inspector, if he has reason to suspect, and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed or other building, shall make a deposition in the Form A annexed to this Act, and demand a search warrant to search such store, private house, shed or other building, and thereupon such Justice of the Peace may issue a search warrant according to Form B. 49 D. c. 45, s. 16.

16. No person shall at any time prior to the year 1895, hunt, take or kill any deer, unless such person has been actually resident and domiciled within the Province of Ontario or within the Province of Quebec for a period of at least three months next before the said time, and any person offending against this section shall be liable to a fine not exceeding \$20, nor less than \$10, with costs of the prosecution, for each animal so hunted, taken or killed, and in default of immediate payment of said fine and costs shall be liable to be imprisoned in the common gaol of the county or district wherein the offence was



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committed for a period not exceeding three months: Provided always that this section shall not apply to any person who, being a shareholder of or in an incorporated company, hunts, kills or takes on the lands of such company, any of the animals mentioned in this section: Provided, moreover, that this section shall not apply to any person for which he has obtained from the Commissioner of Crown Lands a permit to hunt, kill or take any of the animals in this section mentioned, and the Commissioner of Crown Lands is hereby authorized to grant and issue such a permit upon payment therefor of a fee of \$10 for each year during which the same is to be in force, and upon being satisfied that the person applying for the permit may be relied upon to observe and comply with the other provisions of this Act. 51 V. c. 36.

17. No one person shall, during any one year prior to the year 1895 kill or take alive more than five deer; and no two persons hunting together or from one camp or place of rendezvous, or forming or being what is commonly known as a hunting party shall, in any one year, prior to the year 1895, kill or take alive more than eight deer; and no three or more persons hunting together or from one camp or place of rendezvous, or forming or being what is commonly known as a hunting party shall, in any one year prior to the year 1895, kill or take alive more than twelve deer, and any person offending against this section shall be liable to a fine not exceeding \$20, nor less than \$5, with costs of the prosecution, for each deer beyond or exceeding the number so permitted to be killed or taken as aforesaid, and in default of immediate payment of such fine and costs shall be liable to be imprisoned in the common gaol of the county or district within which the offence was committed for a period not exceeding three months. 51 V. c. 36.

18. Where, under this Act, any person has been convicted of an offence against any of the provisions of this Act, such person, in default of the immediate payment of any fine or costs imposed upon him or for which he has been adjudged to be liable in respect or because of such offence, shall be liable and may be adjudged to be imprisoned in the common gaol of the county or district in which the offence was committed for a period not exceeding three months. 51 V. c. 36.

19. On the trial of any complaint, proceeding, matter or question under this Act, the person opposing or defending, or who is charged with any offence against or under any of the provisions of this Act, shall be competent and compellable to give evidence in or with respect to such complaint, proceeding, matter or question. 51 V. c. 36.

20. A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form. 51 V. c. 36.

21. All prosecutions under this Act may be brought and heard before any of Her Majesty's justices of the peace in and for the county and district where the penalty was incurred, or

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... offence was committed, or wrong done, and in cities, towns and incorporated villages in which there is a police magistrate, before such police magistrate; and save where otherwise provided by this section the procedure shall be governed by *The Act respecting Summary Convictions before Justices of the Peace and Appeals to General Sessions.* 51 V. c. 36.

FORM A.

(Section 15.)

I, \_\_\_\_\_, undersigned game inspector for \_\_\_\_\_ do hereby declare that I have reason to suspect and do suspect that game killed or taken during the close season, or furs out of season, etc., etc., (as the case may be) are at present held and concealed (describe the property, occupant, etc., and the place).

Wherefore I pray that a warrant may be granted and given to me to effect the necessary searches (describe here the property, etc., as above).

Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_ L. B., \_\_\_\_\_ J. P. }

X. Y.,  
Game Inspector.

49 V. c. 44, Form A.

FORM B.

(Section 15.)

Province of Ontario, )  
County of \_\_\_\_\_ )

To each and every constable of \_\_\_\_\_ County of \_\_\_\_\_

Whereas, \_\_\_\_\_ Game Inspector for \_\_\_\_\_ has this day declared under oath before me, \_\_\_\_\_ the undersigned, that he has reason to suspect that (game, or birds killed or taken during the close season, or furs out of season as the case may be) are at present held and concealed (describe property, occupant, place, etc.) Therefore, you are commanded by these presents in the name of Her Majesty, to assist the said \_\_\_\_\_ Game Inspector, and to diligently help him to make the necessary searches to find the (state the birds or game killed or taken during the close season, or furs out of season, etc.) which he has

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reason to suspect and does suspect to be held and concealed  
*(describe the property, etc., as above)* and to deliver, if need  
 be, the said birds, etc., *(as the case may be)* to the said  
 Game Inspector, to be by him brought  
 me on or before any other magistrate to be dealt with according  
 to law.

Given under my hand and seal

at County of

this day of

A. D. 18

L. S.

42 V. c. 45, Form B.

L. B.

J. P.

